



## Kenai City Council - Regular Meeting

August 19, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

**\*\*Telephonic/Virtual Information on Page 4\*\***

[www.kenai.city](http://www.kenai.city)

### Agenda

#### A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

#### B. SCHEDULED PUBLIC COMMENTS

*(Public comment limited to ten (10) minutes per speaker)*

#### C. UNSCHEDULED PUBLIC COMMENTS

*(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

#### D. PUBLIC HEARINGS

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting; a motion to enact is on the floor.*]
- **Substitute Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections, to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections.
2. **Ordinance No. 3150-2020** - Waiving Kenai Municipal Code 21.10.130 - Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)
3. **Ordinance No. 3151-2020** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)

- 4. Ordinance No. 3152-2020** - Accepting and Appropriating a Project Ready Mini Grant from the Alaska State Library for Implementing the Know Your Neighbor: Kindness Kits Project at the Kenai Community Library. (Administration)
- 5. Ordinance No. 3153-2020** - Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds. (Administration)
- 6. Ordinance No. 3154-2020** - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)
- 7. Resolution No. 2020-68** - Declaring the Ten-Foot Utility Easement Adjoining the Southern Boundary of Lot 4, Eventyr Subdivision (Plat KN 83-149) and the Ten-Foot Utility Easement Excluding the West Ten Feet Adjoining the North Boundary of Lot 5 and the Ten-Foot Utility Easement Adjoining the North and East Boundary of Lot 6 Eventyr Subdivision No. 2 (Plat KN 86-75) Granted on Plat KN 83-1149 and Plat KN 86-75 Are Not Needed for a Public Purpose and Consenting to Their Vacation. (Administration)
- 8. Resolution No. 2020-69** - Authorizing the City Manager to Enter a Design Agreement with the Department of the Army for the Design for the Kenai Bluffs Bank Stabilization Project. (Administration)

**E. MINUTES**

- 1.** \*Regular Meeting of August 5, 2020. (City Clerk)

**F. UNFINISHED BUSINESS**

- 1. Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) *[Clerk's Note: At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting; a motion to enact is on the floor.]*

**G. NEW BUSINESS**

- 1. \*Action/Approval** - Bills to be Ratified. (Administration)
- 2. \*Action/Approval** - Purchase Orders Over \$15,000. (Administration)
- 3. \*Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Red Run Cannabis Company, LLC and Red Run Cannabis Cultivators, LLC. (City Clerk)
- 4. \*Ordinance No. 3155-2020** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from The Federal Aviation Administration for Phase One Construction of a New Sand Storage Facility. (Administration)
- 5. \*Ordinance No. 3156-2020** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Improvements Capital Project

Funds and Awarding a Construction Agreement for Improvements to the Wasting Activated Sludge Pumps at the Waste Water Treatment Plant. (Administration)

- 6.** \***Ordinance No. 3157-2020** - Amending Kenai Municipal Code Section 1.85.010 – Report of Financial and Business Interests, to Allow for Certification by Municipal Officers that a Previously Filed Statement of Disclosure Remains Accurate and Approving an Alternate Certification. (Vice Mayor Molloy)
- 7.** \***Ordinance No. 3158-2020** - Increasing Estimated Revenues and Appropriations in the COVID-19 CARES Act Recovery Fund and Accepting a CARES Act Grant Passed Through the Kenai Peninsula Borough. (Administration)
- 8.** \***Ordinance No. 3159-2020** - Accepting and Appropriating a Municipal Arts & Culture Matching Grant from the Rasmuson Foundation in the COVID-19 CARES Act Recovery Fund. (Administration)
- 9.** **Action/Approval** - Six-Month Extension Request from SOAR International Ministries, Inc. for Lease Application Expiration for the Undeveloped Portion of Tract A, General Aviation Apron No. 2. (Administration)
- 10. Discussion** - Response to COVID-19. (Administration)
- 11. Discussion** - City of Kenai Response to Governor Dunleavy’s Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City of Soldotna Council. (Administration)

#### **H. COMMISSION / COMMITTEE REPORTS**

- 1.** Council on Aging
- 2.** Airport Commission
- 3.** Harbor Commission
- 4.** Parks and Recreation Commission
- 5.** Planning and Zoning Commission
- 6.** Beautification Committee
- 7.** Mini-Grant Steering Committee

#### **I. REPORT OF THE MAYOR**

#### **J. ADMINISTRATION REPORTS**

- 1.** City Manager
- 2.** City Attorney
- 3.** City Clerk

**K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

**L. EXECUTIVE SESSION**

1. Review and Discussion of the Terms of an Employment Agreement Extension for the City Clerk which, Pursuant to AS 44.62.310(C)(2) May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk and per AS 44.62.310(c)(1) is a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.

**M. PENDING ITEMS****N. ADJOURNMENT****O. INFORMATION ITEMS**

1. Kenai Historical Society - August Newsletter

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://www.kenai.city). Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.*

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Sponsored by: Council Member Peterkin

## CITY OF KENAI

### ORDINANCE NO. 3127-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, REPEALING AND REPLACING KENAI MUNICIPAL CODE TITLE 6- ELECTIONS, TO PROVIDE CLARITY, PROCESS IMPROVEMENTS, AND IMPROVE VOTER ACCESSIBILITY THROUGH VOTE BY MAIL ELECTIONS.

WHEREAS, state statutes provide that local governing bodies establish the procedures governing local elections; and,

WHEREAS, it is in the best interest of the City to provide for clear processes in its elections; and,

WHEREAS, the City has realized efficiencies in its election processes by sharing election resources such as election workers with the Kenai Peninsula Borough (KPB); and,

WHEREAS, KPB entered into a conciliation agreement with the Alaska Human Rights Commission which specified that the KPB would have an ADA compliant election process in place by the end of 2020; and,

WHEREAS, it is prudent for the City to also have ADA compliant election processes in place; and,

WHEREAS, the KPB Assembly established the Election Stakeholders Group (“ESG”) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the KPB, including City Manager Ostrander, Mayor Gabriel, Council Member Peterkin and City Clerk Heinz from the City; and,

WHEREAS, the ESG researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and,

WHEREAS, ensuring security of the voting system, including hardware, software, accountability procedures, and the voter registration database and maintaining integrity in the system by adopting internal controls, including signature verification, to ensure all valid votes are counted were among guiding principles adopted by the ESG; and,

WHEREAS, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to KPB code and election processes which are intended to achieve guiding principles adopted by the ESG; and,

WHEREAS, recommendation number 1 of the ESG was for the KPB assembly to transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS); and,

WHEREAS, recent catastrophic events including disaster declarations related to local floods, fires

and a global public health pandemic reinforce the need to implement a VBMS election process that will allow for greater flexibility and voter participating when events make it impractical or impossible to vote at a traditional polling site; and,

WHEREAS, in response to the current statewide emergency disaster, Governor Dunleavy signed Senate Bill 241 in to law which, among other things, authorizes elections to be conducted by mail during the emergency disaster; and,

WHEREAS, on \_\_\_\_\_, the KPB Assembly adopted KPB Ordinance No. 2020-24 providing for vote by mail elections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Repealing and Re-enacting Title 6 of the Kenai Municipal Code: That Kenai Municipal Code, Title 6 - Elections is hereby repealed and re-enacted as follows:

[CHAPTER 6.05  
VOTING QUALIFICATIONS AND PROCEDURES

SECTIONS:

- 6.05.010 QUALIFICATIONS FOR VOTERS.
- 6.05.020 REGISTRATION.
- 6.05.030 PRECINCT AND POLLING PLACE.
- 6.05.040 PRECINCT BOARD.
- 6.05.050 COMPENSATION OF ELECTION PERSONNEL.
- 6.05.060 WATCHERS.
- 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.
- 6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.
- 6.05.090 BALLOT BOXES, VOTING BOOTHS.
- 6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.
- 6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.
- 6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.
- 6.05.130 TIE VOTES.
- 6.05.140 ABSENTEE VOTING.
- 6.05.145 ABSENTEE VOTING IN PERSON.
- 6.05.150 ABSENTEE VOTING—APPLICATION.
- 6.05.160 ABSENTEE VOTING—BALLOTS.
- 6.05.170 ABSENTEE VOTING—BY MAIL.
- 6.05.180 VOTING—AUTHORIZED.
- 6.05.190 VOTING—BOARDS.
- 6.05.200 VOTING DEVICES AND MACHINES.
- 6.05.210 VOTING—TESTS AND SECURITY.
- 6.05.220 RECOUNT OF VOTES—APPLICATION.
- 6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.
- 6.05.240 ELECTION CONTESTS.
- 6.05.250 RULES AND REGULATIONS.
- 6.05.260 CITY ELECTION TIME.
- 6.05.270 OFFENSES AND PENALTIES.
- 6.05.280 RECORD RETENTION.
- 6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.
- 6.05.310 CASTING BALLOTS.

Ordinance No. 3127-2020

Page 3 of 39

- 6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.
- 6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.
- 6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.
- 6.05.340 STORING BALLOTS.

6.05.010 QUALIFICATIONS FOR VOTERS.

PERSONS WHO HAVE THE QUALIFICATIONS FOR VOTERS PRESCRIBED BY THE CITY CHARTER, SECTION 10-6, THE STATE CONSTITUTION, ARTICLE V, SECTIONS 1 AND 2, AND STATE LAW, SHALL BE QUALIFIED TO VOTE IN CITY ELECTIONS IF THEY ARE REGISTERED AS PROVIDED IN THIS TITLE. (KC 6-1)

6.05.020 REGISTRATION.

(A) THE ELECTION JUDGES SHALL KEEP AN ORIGINAL REGISTER ON WHICH EACH VOTER SHALL, BEFORE RECEIVING A BALLOT, SIGN THE VOTER'S NAME AND EITHER COMPLETE OR CORRECT BOTH THE VOTER'S RESIDENCE AND MAILING ADDRESSES. A RECORD SHALL BE KEPT ON THE REGISTER OF THE NAME OF EACH PERSON WHO OFFERED TO VOTE, BUT WAS REFUSED, AND A BRIEF STATEMENT OF THE BASIS OF THE REFUSAL. THE SIGNING OF THE REGISTER CONSTITUTES A DECLARATION BY THE VOTER THAT THE VOTER IS QUALIFIED TO VOTE.

(B) VOTERS MAY BE IDENTIFIED FROM SUCH REASONABLE SOURCES AS STATE VOTER REGISTRATION LISTS, BEING KNOWN TO THE ELECTION JUDGES AS RESIDENTS OF THE CITY OF KENAI, OR BY SUCH OTHER IDENTIFICATION AS IS ACCEPTED CUSTOMARILY FOR SCHEMES OF "PRE-REGISTRATION" QUALIFICATIONS.

(C) REGISTERS SIGNED BY VOTERS ON ELECTION DAY SHALL BE KEPT WITH THE RECORDS OF THAT ELECTION.

(D) AS USED IN THIS TITLE, "REGISTER" SHALL MEAN THE COMPUTER PRINTOUT ENTITLED "STATE OF ALASKA PRECINCT REGISTER" (OR ANY FORM SUBSEQUENTLY SUBSTITUTED THEREFOR) SUPPLIED BY THE DIVISION OF ELECTIONS OF THE STATE OF ALASKA FOR USE IN EACH PRECINCT.

(KC 6-9; ORDS. 193, 803)

6.05.030 PRECINCT AND POLLING PLACE.

(A) THE CITY OF KENAI SHALL BE COMPOSED OF SUCH ELECTION PRECINCTS AS MAY BE SET UP OR MODIFIED BY THE DIRECTOR OF ELECTIONS OF THE STATE OF ALASKA FOR ALL CITY ELECTIONS, BOTH REGULAR AND SPECIAL. THE POLLING PLACES WILL BE AS DESIGNATED BY THE STATE OF ALASKA, DIVISION OF ELECTIONS.

(B) CHANGES OF THE POLLING PLACES MAY BE ACCOMPLISHED BY THE COUNCIL BY MOTION, RESOLUTION, OR ORDINANCE.

(KC 6-12,13; ORDS. 159, 803, 1182)

6.05.040 PRECINCT BOARD.

(A) THERE SHALL BE ELECTION BOARDS FOR THE PRECINCTS IN THE CITY COMPOSED OF THREE (3) OR MORE JUDGES APPOINTED BY THE CITY COUNCIL. THE JUDGES SHALL BE QUALIFIED VOTERS OF THE CITY. THE CITY COUNCIL MAY DESIGNATE ONE OF THE JUDGES CHAIR OF THE BOARD, AND THE CHAIR SHALL BE PRIMARILY RESPONSIBLE FOR THE ADMINISTRATION OF THE ELECTION IN THE PRECINCT. THE CITY COUNCIL MAY ALSO APPOINT FROM AMONG THE QUALIFIED VOTERS OF THE CITY ONE (1) OR TWO (2) CLERKS WHERE IT DEEMS THEIR SERVICES ARE NECESSARY. THE CITY CLERK, AS THE ELECTION SUPERVISOR, MAY APPOINT NOT MORE THAN FOUR (4) ELECTION CLERKS FROM AMONG THE QUALIFIED VOTERS

Ordinance No. 3127-2020

Page 4 of 39

OF THE CITY AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP IF HE OR SHE THINKS THEY ARE NEEDED AND IF THE CITY COUNCIL AUTHORIZES IT.

(B) ALL CITY ELECTION PERSONNEL SHALL BE APPOINTED WITHOUT REGARD TO THEIR MEMBERSHIP IN ANY POLITICAL PARTY.

(C) ALL ELECTION JUDGES AND CLERKS, BEFORE ENTERING UPON THEIR DUTIES, MUST SUBSCRIBE TO THE OATH REQUIRED OF ALL PUBLIC OFFICERS BY THE CONSTITUTION OF THE STATE OF ALASKA IN THE MANNER PRESCRIBED BY THE CLERK. IF ANY APPOINTED ELECTION OFFICIAL IS NOT ABLE OR REFUSES TO SERVE ON ELECTION DAY, THE CLERK MAY APPOINT A REPLACEMENT FOR THAT OFFICIAL.

(D) CANDIDATES SHALL NOT SERVE AS ELECTION OFFICIALS. CERTAIN FAMILIAL RELATIONSHIPS MAY NOT EXIST BETWEEN A CANDIDATE AND A PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM IN REGULAR OR SPECIAL ELECTIONS. THOSE FAMILIAL RELATIONSHIPS ARE:

- (1) MOTHER, MOTHER-IN-LAW, STEPMOTHER;
- (2) FATHER, FATHER-IN-LAW, STEPFATHER;
- (3) SISTER, SISTER-IN-LAW, STEPSISTER;
- (4) BROTHER, BROTHER-IN-LAW, STEPBROTHER;
- (5) SPOUSE; OR
- (6) PERSON SHARING THE SAME LIVING QUARTERS.

(E) IF THE ELECTION SUPERVISOR KNOWS OR LEARNS ANY OF THESE RELATIONSHIPS EXIST, THE PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM SHALL BE NOTIFIED AND THE PERSON REPLACED.

(KC 6-12,13; ORDS. 159, 2108-2005)

#### 6.05.050 COMPENSATION OF ELECTION PERSONNEL.

(A) THE CITY SHALL PAY ALL NECESSARY EXPENSES RELATING TO THE CONDUCT OF EACH CITY ELECTION, INCLUDING THOSE OF SECURITY POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE.

(B) THE CITY SHALL PAY EACH ELECTION BOARD MEMBER AND CANVASS BOARD MEMBER AN HOURLY RATE FOR TIME SPENT AT HIS OR HER ELECTION DUTIES, INCLUDING THE RECEIVING OF INSTRUCTIONS AND POSTING OF NOTICES. THE ELECTION SUPERVISOR SHALL SET THE HOURLY COMPENSATION TO BE PAID FOR TIME SPENT BY ELECTION OFFICIALS AT A RATE COMPARABLE TO THAT PAID BY THE STATE FOR STATE ELECTIONS. THE CLERK SHALL RETAIN A RECORD FOR AUDITING AND PAYMENT OF ELECTION EXPENSES, INCLUDING THE COST OF GIVING NOTICE, RENTING POLLING PLACES, PAYING ELECTION OFFICIALS, SECURITY BALLOT BOXES, BOOTHS AND OTHER ELECTION NECESSITIES.

(KC 6-14; ORD. 2108-2005)

#### 6.05.060 WATCHERS.

ANY CANDIDATE FOR ELECTIVE CITY OFFICE MAY APPOINT A WATCHER FOR THE PRECINCT. STATE LAW RELATING TO WATCHERS IN STATE ELECTIONS SHALL GOVERN WATCHERS IN CITY ELECTIONS INSOFAR AS IT IS APPLICABLE. (KC 6-15)

#### 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.

THE CITY CLERK, UNDER DIRECTION OF THE CITY COUNCIL AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, IS THE ELECTION SUPERVISOR FOR AND SHALL ADMINISTER ALL CITY ELECTIONS. (KC 6-16; ORD. 2108-2005)



6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.

(A) THE CITY CLERK SHALL PREPARE AND FURNISH ALL OFFICIAL BALLOTS IN CITY ELECTIONS. THE PROVISIONS OF STATE LAW RELATING TO THE PREPARATION AND FURNISHING OF BALLOTS IN STATE ELECTIONS SHALL GOVERN THE PREPARATION AND FURNISHING OF BALLOTS IN CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE AND ARE NOT IN CONFLICT WITH THE CITY CHARTER OR ORDINANCE; AND THE CITY CLERK SHALL PERFORM THE FUNCTIONS IN REGARD THERETO PRESCRIBED BY LAW FOR THE DIRECTOR OF ELECTIONS IN REGARD THERETO IN STATE ELECTIONS INSOFAR AS IT IS APPROPRIATE.

(B) AT THE TIME OF PREPARING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE WHOSE NAME IS ON THE BALLOT, OR BY HIS OR HER AUTHORIZED AGENT, AND ANY DISCOVERED MISTAKE SHALL BE CORRECTED IMMEDIATELY.

(C) THE CITY CLERK SHALL PROVIDE TINTED SAMPLE BALLOTS, OATHS OF OFFICE OF JUDGES, QUESTIONED OATHS, TALLY SHEETS WHEN REQUIRED, INSTRUCTIONS TO VOTERS, WARNING NOTICES, AND OTHER FORMS AND SUPPLIES REQUIRED FOR CITY ELECTIONS; AND HE OR SHE SHALL GIVE THE DUPLICATE REGISTRATION INDEX AND AN ADEQUATE SUPPLY OF OFFICIAL BALLOTS, SAMPLE BALLOTS, AND ALL OTHER NECESSARY SUPPLIES AND MATERIALS TO THE CHAIRS OF THE PRECINCT ELECTION BOARDS IN ADEQUATE TIME BEFORE A CITY ELECTION.

(KC 6-17; ORDS. 803, 941, 1652-95, 2108-2005)

6.05.090 BALLOT BOXES, VOTING BOOTHS.

THE CITY CLERK SHALL PROVIDE SUITABLE BALLOT BOXES AND AN ADEQUATE NUMBER OF VOTING BOOTHS OR SCREENS. REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS, RELATING TO POLLING PLACES, BALLOT BOXES, VOTING BOOTHS, SCREENS, FLAGS, AND SUPPLIES FOR STATE ELECTIONS, SHALL GOVERN THESE MATTERS IN RELATION TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE AND ARE NOT SUPERSEDED BY ORDINANCE. (KC 6-18; ORD. 803)

6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.

(A) AT LEAST TEN (10) DAYS BEFORE EVERY CITY ELECTION, REGULAR OR SPECIAL, THE CITY CLERK SHALL CAUSE TO BE PUBLISHED BY POSTING ON THE OFFICIAL CITY BULLETIN BOARD IN OR ON THE CITY ADMINISTRATION BUILDING AND IN TWO (2) OTHER PLACES IN THE CITY, OR IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, A NOTICE OF SUCH ELECTION. THE NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (1) THE DATE OF THE ELECTION;
- (2) TIME DURING WHICH THE POLLING PLACE WILL BE OPEN;
- (3) THE LOCATION OF THE POLLING PLACE;
- (4) OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED (IF ANY);
- (5) AND THE SUBJECTS OF THE PROPOSITIONS AND QUESTIONS WHICH ARE TO BE SUBMITTED TO THE VOTERS AT THE ELECTION (IF ANY).

(B) FAILURE TO PUBLISH SUCH A NOTICE OF AN ELECTION SHALL NOT AFFECT THE VALIDITY OF THE ELECTION OR OF THE VOTE FOR ANY CANDIDATE OR ON ANY PROPOSAL; BUT, IF CAUSED BY THE CITY CLERK, SHALL CONSTITUTE FAILURE TO PERFORM HIS OR HER OFFICIAL DUTIES.

(C) IN ADDITION TO THE ABOVE NOTICE, THE CITY CLERK SHALL PUBLISH IN FULL EVERY CHARTER AMENDMENT, EVERY ORDINANCE, AND EVERY OTHER QUESTION WHICH IS TO BE SUBMITTED AT AN ELECTION, EXCEPT A REFERRED ORDINANCE WHICH WAS PUBLISHED IN FULL AFTER PASSAGE, NOT MORE THAN FOUR (4) WEEKS

Ordinance No. 3127-2020

Page 6 of 39

AND AT LEAST TWO (2) WEEKS BEFORE THE ELECTION IN ACCORDANCE WITH THE CITY CHARTER, SECTIONS 1-7(4) AND 10-8.

(KC 6-19)

6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.

ALASKA STATUTES, CHAPTERS 15.15 THROUGH 15.20 AND ANY AMENDMENTS THERETO, SHALL APPLY TO THE CITY ELECTIONS INSOFAR AS THEY DO NOT CONFLICT WITH SPECIFIC CITY ORDINANCES. THE PRECINCT ELECTION BOARDS SHALL DELIVER TO THE CITY CLERK ONE (1) COPY OF THE CERTIFICATE WITH THE RESULTS OF THE VOTE IN THE PRECINCT, THE REGISTERS SIGNED BY PERSONS VOTING, ALL BALLOTS CAST, ALL BALLOTS IMPROPERLY MARKED, DAMAGED OR UNLAWFULLY EXHIBITED, AND ALL OATHS, AFFIRMATIONS AND AFFIDAVITS TO THE COUNCIL AS PROVIDED BY KMC 6.05.130. THE CHAIR OF EACH PRECINCT ELECTION BOARD SHALL RETAIN POSSESSION OF A DUPLICATE COPY OF THE RESULTS, WHICH COPY MAY BE DESTROYED BY EACH CHAIR TWENTY (20) DAYS AFTER THE ELECTION UNLESS THE CITY CLERK OR THE CITY COUNCIL REQUESTS ITS DELIVERY. (ORDS. 193, 803, 881, 1788-98, 2556-2011)

6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.

(A) PURSUANT TO THE PROVISIONS OF SECTION 10-9 OF THE CHARTER OF THE CITY OF KENAI, THERE IS HEREBY ESTABLISHED A CANVASSING BOARD FOR THE CANVASSING OF ALL CITY ELECTIONS; REGULAR AND SPECIAL, AND TO ASCERTAIN AND DECLARE THE RESULTS THEREOF, AS FOLLOWS:

(1) THE CITY CLERK IS HEREBY DESIGNATED AS THE CHAIR OF THE CANVASSING BOARD.

(2) THE CANVASSING BOARD SHALL CONSIST OF THE CITY CLERK, CHAIR OF EACH PRECINCT ELECTION BOARD WITHIN THE CITY, AND UP TO FIVE (5) ADDITIONAL JUDGES SELECTED FROM AMONG THE QUALIFIED VOTERS OF THE CITY. IN THE EVENT ANY SUCH APPOINTED MEMBER OF THE BOARD IS ABSENT FROM THE CITY, ILL, OR OTHERWISE UNABLE TO ATTEND AT THE TIME SET FOR CANVASSING THE BALLOT, THE CITY CLERK IS HEREBY AUTHORIZED TO APPOINT ANOTHER ELECTION JUDGE FROM THE SAME PRECINCT TO SUBSTITUTE FOR THE APPOINTED MEMBER.

(B) THE CANVASSING BOARD SHALL MEET IN PUBLIC SESSION ON THE TUESDAY FOLLOWING EVERY CITY ELECTION, REGULAR OR SPECIAL, AT 8:30 A.M. AND, IF NECESSARY, CONTINUE THROUGH THE FOLLOWING DAY AND SHALL PROMPTLY PROCEED TO CANVASS THE RETURNS OF SAID ELECTION, MAKING DECISIONS AS TO VALIDITY OF QUESTIONED BALLOTS, COUNTING ABSENTEE BALLOTS, AND ASCERTAINING AND DECLARING THE RESULTS OF SAID ELECTION. THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASSING BOARD. A MISTAKE THAT HAS BEEN MADE IN PRECINCT RETURNS, AND THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS, EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.

(C) IN ORDER TO BE COUNTED, ABSENTEE BALLOTS THAT ARE MAILED MUST BE MAILED ON OR BEFORE THE DATE OF THE ELECTION, AND IF THE ENVELOPE

CONTAINING THE BALLOT IS POSTMARKED, THE POST MARK DATE MUST BE ON OR BEFORE THE DATE OF ELECTION, AND SAID BALLOT MUST BE RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED BY UNITED STATES POSTAL SERVICE WITHOUT A POSTMARK SHALL BE COUNTED, PROVIDED THE BALLOT ENVELOPE MEETS ALL OTHER REQUIREMENTS (SIGNATURES, REGISTRATION, ETC.) AND THE RECEIPT BY THE CITY INDICATES THE BALLOT WAS MAILED ON OR BEFORE THE DATE OF THE ELECTION AND THE BALLOT WAS RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION.

(D) THE CITY CLERK, AS CHAIR OF THE CANVASSING BOARD, SHALL REPORT THE RESULTS OF THE ELECTION TO THE CITY COUNCIL AS THE FIRST ORDER OF BUSINESS FOLLOWING THE ROLL CALL AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE MEETING OF THE CANVASSING BOARD.

(KC 6-12; ORDS. 707, 1652-95, 2108-2005, 2488-2010, 2556-2011)

#### 6.05.130 TIE VOTES.

IN CASE OF FAILURE TO ELECT BECAUSE OF A TIE VOTE, THE COUNCIL SHALL IMMEDIATELY PROCEED TO RECOUNT THE VOTES. IF THERE IS STILL A FAILURE TO ELECT BECAUSE OF A TIE AFTER COMPLETION OF THE RECOUNT, THE ELECTION SHALL BE DETERMINED FAIRLY BY LOT FROM AMONG THE CANDIDATES TYING, IN A MEETING OF THE COUNCIL AND UNDER ITS DIRECTION, IN ACCORDANCE WITH THE CITY CHARTER, SECTION 10-4. (KC 6-22)

#### 6.05.140 ABSENTEE VOTING.

ANY QUALIFIED VOTER WHO MAY SECURE AND CAST AN ABSENTEE BALLOT IN A STATE ELECTION MAY SECURE AND CAST AN ABSENTEE BALLOT IN A CITY ELECTION. THE CITY CLERK SHALL SUPERVISE ABSENTEE VOTING, AND SHALL ISSUE NECESSARY INSTRUCTIONS REGARDING THE PROCEDURE FOR ABSENTEE VOTING TO QUALIFIED APPLICANTS FOR ABSENTEE BALLOTS. THE CITY CLERK SHALL PROVIDE THE ABSENTEE BALLOTS, THE SECRECY ENVELOPES FOR THE BALLOTS, AND THE POSTAGE-PAID RETURN ENVELOPES THEREFOR, AND ANY OTHER FORMS AND SUPPLIES REQUIRED FOR THE USE OF ABSENTEE VOTERS. (KC 6-23; ORD. 2488-2010)

#### 6.05.145 ABSENTEE VOTING IN PERSON.

(A) A QUALIFIED VOTER MAY APPLY IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE CITY CLERK DURING REGULAR OFFICE HOURS, OR THE VOTER MAY APPLY TO THE BOROUGH CLERK'S OFFICE OR ABSENTEE VOTING OFFICIAL IN HIS OR HER AREA DURING REGULAR OFFICE HOURS.

(B) ON RECEIPT OF AN APPLICATION IN PERSON FOR AN ABSENTEE BALLOT AND EXHIBITION OF PROOF OF IDENTIFICATION AS REQUIRED IN THIS TITLE, THE CLERK SHALL ISSUE THE BALLOT TO THE APPLICANT.

(C) THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SMALL ENVELOPE, TO PLACE THE SMALL ENVELOPE IN THE LARGER ENVELOPE IN THE PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE OF HIS OR HER SIGNATURE. THE ELECTION OFFICIAL SHALL THEN ACCEPT THE BALLOT.

(D) THE ELECTION OFFICIAL MAY NOT ACCEPT A MARKED BALLOT THAT HAS BEEN EXHIBITED BY AN ABSENTEE VOTER WITH INTENT TO INFLUENCE OTHER VOTERS. IF THE ABSENTEE VOTER IMPROPERLY MARKS OR OTHERWISE DAMAGES A BALLOT, THE VOTER MAY REQUEST, AND THE ELECTION OFFICIAL SHALL PROVIDE HIM OR

Ordinance No. 3127-2020

Page 8 of 39

HER WITH ANOTHER BALLOT UP TO A MAXIMUM OF THREE (3). EXHIBITED, IMPROPERLY MARKED, OR DAMAGED BALLOTS SHALL BE DESTROYED. THE NUMBERS OF ALL BALLOTS DESTROYED SHALL BE NOTED ON THE BALLOT STATEMENT.

(E) EACH ABSENTEE VOTING OFFICIAL SHALL KEEP A RECORD OF THE NAMES AND THE SIGNATURES OF VOTERS WHO CAST ABSENTEE BALLOTS BEFORE HIM OR HER AND THE DATES ON WHICH THE BALLOTS WERE CAST.

(ORD. 1799-98)

6.05.150 ABSENTEE VOTING—APPLICATION.

ANY QUALIFIED VOTER WHO IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT MAY APPLY TO THE CITY CLERK IN PERSON, BY A PERSONAL REPRESENTATIVE, BY MAIL, OR BY ELECTRONIC TRANSMISSION, FOR AN ABSENTEE BALLOT. AN APPLICATION FOR AN ABSENTEE BALLOT RECEIVED BY THE CITY BY MAIL OR ELECTRONIC TRANSMISSION SHALL INCLUDE THE NAME OF THE APPLICANT AND BOTH THE LOCATION, I.E., ELECTRONIC, FACSIMILE, OR MAILING ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED AND HIS OR HER FULL RESIDENTIAL ADDRESS IN THE CITY. THE DATES FOR MAKING SUCH APPLICATIONS FOR ABSENTEE BALLOTS IN CITY ELECTIONS SHALL BE NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE ELECTION. THE CITY CLERK SHALL FOLLOW THE PROCEDURE PRESCRIBED BY STATE LAW FOR ELECTION OFFICIALS IN DETERMINING WHETHER AN APPLICANT IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT. (KC 6-24; ORDS. 1652-95, 2556-2011)

6.05.160 ABSENTEE VOTING—BALLOTS.

VOTERS CASTING ABSENTEE BALLOTS SHALL MARK THE BALLOT, PLACE THE BALLOT IN THE SECRECY ENVELOPE AND THEN PLACE THE SECRECY ENVELOPE WITH THE MARKED BALLOT INSIDE THE POSTAGE-PAID RETURN ENVELOPE, AND RETURN THE DOCUMENTS TO THE CITY CLERK IN THE SAME MANNER AND UNDER THE SAME REGULATIONS, AS NEARLY AS MAY BE, AS REQUIRED BY LAW IN STATE ELECTIONS. (KC 6-25; ORD. 2488-2010)

6.05.170 ABSENTEE VOTING—BY MAIL.

(A) A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY MAIL IF THE APPLICATION IS POSTMARKED NOT EARLIER THAN THE FIRST OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD NOR LESS THAN SEVEN (7) DAYS BEFORE AN ELECTION. A VOTER MAY REQUEST HIS OR HER NAME BE PLACED ON PERMANENT ABSENTEE BY MAIL STATUS. THE APPLICATION SHALL INCLUDE THE ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED, THE APPLICANT'S FULL ALASKA RESIDENCE ADDRESS, AND THE APPLICANT'S SIGNATURE.

(B) AFTER RECEIPT OF AN APPLICATION BY MAIL, THE CITY CLERK SHALL SEND THE ABSENTEE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT BY FIRST CLASS MAIL. THE MATERIALS SHALL BE SENT AS SOON AS THEY ARE READY FOR DISTRIBUTION. THE POSTAGE PAID RETURN ENVELOPE SENT WITH THE MATERIALS SHALL BE ADDRESSED TO THE CITY CLERK.

(C) UPON RECEIPT OF AN ABSENTEE BALLOT BY MAIL, THE VOTER, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS, MAY PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SECRECY ENVELOPE, TO PLACE THE SECRECY ENVELOPE IN THE POSTAGE PAID ENVELOPE, AND TO SIGN THE VOTER'S CERTIFICATE ON THE BACK OF THE

Ordinance No. 3127-2020

Page 9 of 39

POSTAGE-PAID RETURN ENVELOPE IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE HIS OR HER SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS SUBSECTION ARE REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL HAVE THE BALLOT WITNESSED BY A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS.

(D) AN ABSENTEE BALLOT MUST BE MARKED AND ATTESTED ON OR BEFORE THE DATE OF THE ELECTION. IF THE VOTER RETURNS THE BALLOT BY MAIL, HE OR SHE SHALL USE A MAIL SERVICE AT LEAST EQUAL TO FIRST CLASS AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE CITY CLERK. THE BALLOT ENVELOPE MUST BE POSTMARKED ON OR BEFORE MIDNIGHT OF ELECTION DAY AND RECEIVED BY THE CITY CLERK NO LATER THAN NOON ON THE SEVENTH DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED AFTER THAT TIME SHALL NOT BE OPENED BUT SHALL BE MARKED "INVALID," WITH THE DATE OF RECEIPT NOTED THEREON, AND SHALL BE PRESERVED WITH OTHER BALLOTS OF THE ELECTION.

(E) THE CITY CLERK MAY REQUIRE A VOTER CASTING AN ABSENTEE BALLOT BY MAIL TO PROVIDE PROOF OF IDENTIFICATION OR OTHER INFORMATION TO AID IN THE ESTABLISHMENT OF HIS OR HER IDENTITY.

(F) THE CITY CLERK SHALL MAINTAIN A RECORD OF THE NAME OF EACH VOTER TO WHOM AN ABSENTEE BALLOT IS SENT BY MAIL. THE RECORD MUST LIST THE DATE ON WHICH THE BALLOT IS MAILED AND THE DATE ON WHICH THE BALLOT IS RECEIVED BY THE CITY CLERK AND THE DATES ON WHICH THE BALLOT WAS EXECUTED AND POSTMARKED.

(ORDS. 2488-2010, 2556-2011)

6.05.180 VOTING—AUTHORIZED.

THE ELECTION OFFICIAL MAY PROVIDE FOR VOTING AT ONE (1) OR MORE VOTING PLACES FOR ONE (1) OR MORE QUESTIONS OR OFFICES ON A BALLOT. (ORDS. 881, 1788-98)

6.05.190 VOTING—BOARDS.

THE ELECTION OFFICIAL SHALL APPOINT A RECEIVING BOARD AND A DATA PROCESSING CONTROL BOARD, EACH CONSISTING OF THREE (3) MEMBERS. THE ELECTION OFFICIAL SHALL APPOINT A CHAIR OF EACH BOARD AND ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO BOTH CHAIR WHO SHALL ADMINISTER THE OATH TO THE REMAINING MEMBERS OF THEIR RESPECTIVE BOARDS. A VACANCY ON A BOARD SHALL BE FILLED BY THE ELECTION OFFICIAL. (ORDS. 881, 1788-98)

6.05.200 VOTING DEVICES AND MACHINES.

(A) VOTING DEVICES AND MACHINES WILL BE USED FOR ALL REGULAR AND SPECIAL ELECTIONS UNLESS DETERMINED NOT TO BE PRACTICAL BY THE CLERK. THE LAWS OF THE STATE CONCERNING VOTING DEVICES AND MACHINES ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT IN THIS CHAPTER EXCEPT FOR PROVISIONS IN CONFLICT WITH THIS CHAPTER.

(B) THE ELECTION OFFICIAL SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE KENAI PENINSULA BOROUGH OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.

(ORDS. 881, 941, 1788-98)

6.05.210 VOTING—TESTS AND SECURITY.

NO LATER THAN ONE (1) WEEK BEFORE THE ELECTION, THE COMPUTER VOTE COUNTING PROGRAM MUST BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE DATA PROCESSING CONTROL BOARD. (ORDS. 881, 1788-98)

6.05.220 RECOUNT OF VOTES—APPLICATION.

(A) ANY DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS, WHO BELIEVE THAT A MISTAKE HAS BEEN MADE BY AN ELECTION OFFICIAL OR BY THE COUNCIL IN COUNTING THE VOTES IN ANY ELECTION, MAY MAKE AN APPLICATION IN WRITING TO THE COUNCIL FOR A RECOUNT OF THE VOTES FROM THE PRECINCT FOR ANY PARTICULAR OFFICE OR ON ANY PARTICULAR QUESTION. THE APPLICATION MUST BE FILED WITH THE MAYOR, THE CITY CLERK, OR IN THE OFFICE OF THE CITY CLERK WITHIN TWENTY-FOUR (24) HOURS, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY AFTER THE COUNCIL DECLARES THE RESULTS OF THE VOTE BEING QUESTIONED. IN CASE OF A TIE VOTE BETWEEN TWO (2) OR MORE CANDIDATES, THE COUNCIL SHALL RECOUNT THE VOTES WITHOUT AN APPLICATION THEREFOR.

(B) THE PERSON OR PERSONS APPLYING FOR A RECOUNT SHALL DEPOSIT ONE HUNDRED DOLLARS (\$100.00) IN CASH, BY CERTIFIED CHECK, OR BY BOND WITH SURETY APPROVED BY THE COUNCIL, EXCEPT IN THE CASE OF A TIE VOTE FOR CANDIDATES (WHEN NO DEPOSIT SHALL BE REQUIRED). IF ON THE RECOUNT A CANDIDATE OTHER THAN THE CANDIDATE WHO WAS FIRST DECLARED ELECTED IS DECLARED ELECTED, OR IF THE RESULT OF THE VOTE ON A QUESTION IS REVERSED, OR IF THE VOTE ON RECOUNT IS DETERMINED TO BE FOUR PERCENT (4%) OR MORE IN EXCESS OF THE VOTE REPORTED AFTER THE FIRST CANVASS FOR THE CANDIDATE APPLYING FOR THE RECOUNT OR IN FAVOR OF THE OPPOSED TO THE QUESTION STATED IN THE APPLICATION, THE DEPOSIT SHALL BE REFUNDED; OTHERWISE, IT SHALL BE PLACED IN THE GENERAL FUND OF THE CITY.

(C) THE COUNCIL SHALL BEGIN THE RECOUNT WITHIN FORTY-EIGHT (48) HOURS AFTER RECEIVING THE APPLICATION, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY, SHALL PROCEED WITH IT AS FAST AS PRACTICABLE, AND, SHALL DECLARE THE RESULTS THEREOF. THE CITY CLERK SHALL PROMPTLY ISSUE ANOTHER ELECTION CERTIFICATE IF A CHANGE IN THE RESULTS REQUIRE IT.  
(KC 6-27; ORD. 2108-2005)

6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.

ANY CANDIDATE OR A MAJORITY OF THE PERSONS WHO REQUESTED A RECOUNT WHO HAVE REASON TO BELIEVE THAT AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING ANY CANDIDATE OR QUESTION, MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE WITH APPLICABLE COURT RULES GOVERNING APPEALS IN CIVIL MATTERS. THE FILING OF THE APPEAL AND THE PROCEEDINGS SHALL BE, AS NEARLY AS MAY BE, AS IN CASE OF SUCH AN APPEAL MADE AFTER A RECOUNT IN A STATE ELECTION. (KC 6-28)

6.05.240 ELECTION CONTESTS.

ANY DEFEATED CANDIDATE OR TEN (10) QUALIFIED VOTERS, BY ACTION BROUGHT IN THE SUPERIOR COURT, MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY QUESTION UPON THE SAME GROUNDS AND IN THE SAME MANNER, AS NEARLY AS MAY BE, AS IN ELECTION CONTESTS ARISING OUT OF STATE ELECTIONS. THE CITY CLERK SHALL PROMPTLY ISSUE ANY NEW ELECTION CERTIFICATE REQUIRED TO REFLECT THE JUDGMENT OF THE COURT. (KC 6-29)

6.05.250 RULES AND REGULATIONS.

RULES AND REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS PURSUANT TO LAW REGULATING STATE ELECTIONS SHALL ALSO APPLY TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE. THE CITY CLERK SHALL HAVE THE POWERS AND DUTIES PRESCRIBED FOR THE DIRECTOR OF ELECTIONS IN SAID RULES AND REGULATIONS, WITH REGARD TO CITY ELECTIONS, INSOFAR AS IT WOULD BE APPROPRIATE IN CITY ELECTIONS. (KC 6-31; ORD. 803)

6.05.260 CITY ELECTION TIME.

NOTHING IN THIS CHAPTER SHALL PROHIBIT HOLDING A CITY ELECTION ON THE SAME DAY AND BY THE SAME ELECTION PERSONNEL AS A STATE, BOROUGH, OR OTHER PUBLIC ELECTION, OR SUBMITTING A CITY QUESTION AT SUCH AN ELECTION, AS AUTHORIZED BY THE CITY CHARTER, SECTION 10-8. (KC 6-32)

6.05.270 OFFENSES AND PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO DO ANY OF THE FOLLOWING ACTS, AND ANY PERSON, FIRM, OR CORPORATION WHO DOES ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF A VIOLATION:

- (1) DIRECTLY OR INDIRECTLY USES OR THREATENS TO USE FORCE, COERCION, VIOLENCE, RESTRAINT, INFLICTS, OR THREATENS TO INFLICT DAMAGE, HARM, OR LOSS UPON OR AGAINST ANY PERSON TO INDUCE OR COMPEL THE PERSON TO VOTE OR REFRAIN FROM VOTING FOR ANY CANDIDATE IN ANY ELECTION OR FOR ANY ELECTION PROPOSITION OR QUESTION.
- (2) GIVES OR PROMISES TO GIVE, OR OFFERS ANY MONEY OR VALUABLE THING TO ANY PERSON, WITH THE INTENT TO INDUCE HIM OR HER TO VOTE FOR OR RESTRAIN HIM OR HER FROM VOTING FOR ANY CANDIDATE AT ANY ELECTION OR ANY ELECTION PROPOSITION OR QUESTION.
- (3) KNOWINGLY PRINTS OR CIRCULATES, OR CAUSES TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, POSTER, OR OTHER PUBLICATION RELATING TO ANY ELECTION OR TO ANY CANDIDATE AT ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION WITHOUT THE SAME BEARING ON ITS FACE THE NAME AND ADDRESS OF THE AUTHOR, PRINTER, AND PUBLISHER THEREOF.
- (4) WRITES, PRINTS, OR CIRCULATES, OR WHO SHALL CAUSE TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, OR POSTER, OR WHO CAUSES ANY PAID ADVERTISEMENT TO BE PLACED IN A NEWSPAPER OR ANY OTHER PUBLICATION, OR WHO PAYS OR CONTRIBUTES TO THE PAYMENT FOR ANY SUCH ADVERTISEMENT, OR WHO MAKES ANY RADIO BROADCAST, WILLFULLY KNOWING THE LETTER, CIRCULAR, BILL, PLACARD, POSTER, PUBLICATION, PAID ADVERTISEMENT, OR RADIO BROADCAST TO CONTAIN ANY FALSE STATEMENT, CHARGE, OR COMMENT RELATING TO ANY CANDIDATE TO ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION.
- (5) HAS IN HIS OR HER POSSESSION OUTSIDE OF THE VOTING ROOM ANY OFFICIAL BALLOT, PROVIDED THAT THIS SHALL NOT APPLY TO ELECTION OFFICIALS OR OTHER PROPERLY AUTHORIZED PERSONS HAVING SUCH POSSESSION IN LINE OF DUTY.
- (6) MAKES OR KNOWINGLY HAS IN HIS OR HER POSSESSION ANY COUNTERFEIT OF AN OFFICIAL BALLOT.
- (7) REFUSES TO ALLOW AN EMPLOYEE REASONABLE TIME OFF FOR THE PURPOSE OF VOTING WHEN THE EMPLOYEE DOES NOT HAVE A REASONABLE

AMOUNT OF TIME TO VOTE BEFORE OR AFTER WORK, OR WHO, AFTER ALLOWING THE TIME OFF, DEDUCTS THE TIME FROM THE COMPENSATION OF THE EMPLOYEE.

(8) BEING AN ELECTION OFFICIAL WHILE THE POLLS ARE OPEN, OPENS ANY BALLOT RECEIVED FROM A VOTER AT AN ELECTION, OR MARKS A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPTS TO LEARN HOW ANY VOTER MARKED HIS OR HER BALLOT, OR ALLOWS THE SAME TO BE DONE BY ANY OTHER PERSON.

(9) WRITES, PRODUCES, OR ASSISTS IN WRITING OR PRODUCING ANY PUBLISHED LETTER, CIRCULAR, POSTER, BILL, PUBLICATION, OR PLACARD, KNOWING THAT IT CONTAINS ANY FALSE STATEMENT OR FALSE CHARGE REFLECTING ON THE CHARACTER, MORALITY, OR INTEGRITY OF ANY CANDIDATE AT ANY ELECTION.

(10) VOTES OR ATTEMPTS TO VOTE IN THE NAME OF ANOTHER PERSON OR IN ANY NAME OTHER THAN HIS OR HER OWN.

(11) BY FORCE, THREAT, INTIMIDATION, OR OFFER OF REWARD, INDUCES OR ATTEMPTS TO INDUCE ANY ELECTION OFFICIAL TO FAIL IN HIS OR HER DUTY.

(12) WILLFULLY CHANGES OR CAUSES TO BE CHANGED ANY OFFICIAL ELECTION DOCUMENTS, INCLUDING BALLOTS, TALLIES, AND RETURNS, OR ATTEMPTS TO DO THE SAME.

(13) WILLFULLY DELAYS OR CAUSES TO BE DELAYED THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(14) WILLFULLY VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE AT THE SAME ELECTION.

(15) SIGNS ANY NAME OTHER THAN HIS OR HER OWN TO A PETITION PROPOSING AN INITIATIVE, REFERENDUM, OR RECALL, OR KNOWINGLY SIGNS HIS OR HER NAME MORE THAN ONCE FOR THE SAME PROPOSITION OR QUESTION AT ONE (1) ELECTION, OR SIGNS THE PETITION KNOWING THAT HE OR SHE IS NOT A QUALIFIED VOTER.

(16) HAVING BEEN CONTRACTED OR EMPLOYED BY THE CITY TO PRINT OR REPRODUCE IN ANY MANNER ANY OFFICIAL BALLOT, WILLFULLY APPROPRIATES TO HIM OR HERSELF, OR GIVES OR DELIVERS TO, OR KNOWINGLY PERMITS TO BE TAKEN BY ANYONE OTHER THAN A PERSON AUTHORIZED BY THE CITY CLERK, ANY OFFICIAL BALLOTS, OR KNOWINGLY PRINTS, REPRODUCES, OR CAUSES TO BE PRINTED OR REPRODUCED ANY OFFICIAL BALLOTS IN ANY OTHER FORM OR WITH ANY OTHER CONTENT THAN THAT PRESCRIBED BY THE CHARTER, ORDINANCE, OR AS DIRECTED BY THE CITY CLERK.

(17) WILLFULLY MAKES A FALSE AFFIDAVIT OR SWEARS FALSELY UNDER ANY OATH REQUIRED IN CONNECTION WITH ANY ELECTION OR REGISTRATION FOR VOTING OR FALSELY AFFIRMS IN LIEU OF SO SWEARING.

(18) WILLFULLY FAILS TO PERFORM ANY ELECTION DUTY OR KNOWINGLY DOES ANY UNAUTHORIZED ACT WITH THE INTENT TO AFFECT THE ELECTION OR ITS RESULTS.

(19) WILLFULLY PERMITS, MAKES, OR ATTEMPTS TO MAKE ANY FALSE COUNT OR REPORT OF THE ELECTION RETURNS.

(20) BEING AN ELECTION OFFICIAL, WILLFULLY CONCEALS, WITHHOLDS, WRONGFULLY CHANGES, MUTILATES, OR DESTROYS THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(B) ANY PERSON, FIRM, OR CORPORATION WHO IS GUILTY OF A VIOLATION AS DEFINED HEREINABOVE SHALL BE PUNISHED UPON CONVICTION THEREOF AS PROVIDED FOR MISDEMEANORS IN KMC 13.05.010.



Ordinance No. 3127-2020  
Page 13 of 39  
(KC 6-30; ORDS. 1240, 1858-2000)

6.05.280 RECORD RETENTION.

(A) THE CERTIFICATE OF RETURNS OF THE CANVASSING BOARD SHALL BE MAINTAINED PERMANENTLY, AND DESCRIPTIONS OF ELECTION BOUNDARIES, PRECINCTS, AND POLLING PLACES SHALL BE MAINTAINED UNTIL THEY ARE REVISED.  
(B) OTHER ELECTION RECORDS SHALL BE MAINTAINED FOR THE PERIOD SET FORTH BELOW:

FINANCIAL DISCLOSURE FORM	SIX YEARS
CANDIDATE AFFIDAVIT OF EXPENSE AND CONTRIBUTIONS	FIVE YEARS
ELECTION REGISTERS	FOUR YEARS
NOMINATING PETITIONS	THREE YEARS
DECLARATION OF CANDIDACY	THREE YEARS
REJECTED BALLOTS	ONE YEAR, UNLESS ELECTION CONTESTED
CERTIFICATES OF ELECTION RETURN REPORTS	PERMANENTLY

(C) THE CITY CLERK SHALL INFORM THE CITY COUNCIL PRIOR TO DESTRUCTION OF ANY RECORDS, SPECIFYING THE TYPE OF RECORD AND THE DATE OF THE ELECTION TO WHICH IT RELATES.  
(ORDS. 2488-2010, 2556-2011)

6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.

(A) THE CITY CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.  
(B) WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS 15.07.125 FOR THAT ELECTION. THE CLERK SHALL SEND THE BALLOT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARD-ABLE MAIL ON OR BEFORE THE TWENTY-SECOND (22ND) DAY BEFORE THE ELECTION.  
(C) THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.  
(D) THERE SHALL BE A SMALL BLANK ENVELOPE AND A POSTAGE-PAID RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE POSTAGE-PAID RETURN ENVELOPE SHALL HAVE PRINTED ON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL

Ordinance No. 3127-2020

Page 14 of 39

DECLARE THE VOTER'S QUALIFICATION TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY ONE (1) ATTESTING WITNESS, WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, SHALL BE MAILED TO EACH VOTER WITH THE BALLOT.  
(ORDS. 1800-98, 2488-2010)

6.05.310 CASTING BALLOTS.

(A) UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS OR HER BALLOT IN THE MANNER SPECIFIED IN KMC 6.05.140 THROUGH 6.05.160. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVASSING BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVASSING BOARD.

(B) A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS OR HER BALLOT IN PERSON AS SPECIFIED IN KMC 6.05.145.

(C) A VOTER MAY RETURN THE MAIL-IN BALLOT TO THE CITY CLERK AS PROVIDED IN KMC 6.05.160.

(ORD. 1800-98)

6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.

(A) THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL BE NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE CLERK.

(B) FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE WILL BE GIVEN AS SET FORTH IN KMC 6.05.100.

(ORD. 1800-98)

6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.

(A) THE CITY CLERK, OR DESIGNEE, SHALL ACT AS ABSENTEE VOTING OFFICIAL.

(B) THE DUTIES OF THE ABSENTEE VOTING OFFICIAL SHALL BE AS FOLLOWS:

(1) PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND ABSENTEE VOTING THROUGH A PERSONAL REPRESENTATIVE ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND HAVE UNTIL THE DAY OF THE ELECTION TO RETURN THE BALLOTS;

(2) SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

(3) ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED VOTED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE;

(4) PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS OR HER NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS;

(5) DATE-STAMP ALL BALLOTS RECEIVED;

(6) PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING.

(ORD. 1800-98)

6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.

(A) A QUALIFIED VOTER MAY APPLY TO THE CITY CLERK FOR AN ABSENTEE BALLOT TO BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION. SUCH APPLICATION MUST BE MADE BY THE VOTER NOT LESS THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION. ABSENTEE BALLOTS WILL BE TRANSMITTED ELECTRONICALLY TO THE LOCATION (FACSIMILE NUMBER, E-MAIL ADDRESS, OR SIMILAR DESIGNATION) DESIGNATED IN THE APPLICATION. IF NO LOCATION IS DESIGNATED, AND IF THE APPLICATION IS RECEIVED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE ELECTION, THE BALLOT WILL BE MAILED IN THE MANNER PROVIDED IN KMC 6.05.140 FOR DELIVERING ABSENTEE BALLOTS BY MAIL. THE CLERK WILL PROVIDE REASONABLE CONDITIONS FOR TRANSMITTING ABSENTEE BALLOTS ELECTRONICALLY.

(B) THE VOTER MAY RETURN THE BALLOT BY MAIL OR BY ELECTRONIC TRANSMISSION. AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL CONTAIN A COPY OF THE BALLOT TO BE USED AT THE ELECTION IN A FORM SUITABLE FOR TRANSMISSION. A PHOTOCOPY OF THE COMPUTERIZED BALLOT CARD TO BE USED BY PERSONS VOTING IN PERSON AT THE POLLING PLACES IS ACCEPTABLE.

(C) AN ABSENTEE BALLOT THAT IS COMPLETED AND RETURNED BY THE VOTER BY ELECTRONIC TRANSMISSION MUST:

(1) CONTAIN THE FOLLOWING STATEMENT: "I UNDERSTAND THAT BY USING ELECTRONIC TRANSMISSION TO RETURN MY MARKED BALLOT, I AM VOLUNTARILY WAIVING A PORTION OF MY RIGHT TO A SECRET BALLOT TO THE EXTENT NECESSARY TO PROCESS MY BALLOT, BUT EXPECT THAT MY VOTE WILL BE HELD AS CONFIDENTIAL AS POSSIBLE." FOLLOWED BY THE VOTER'S SIGNATURE AND DATE OF SIGNATURE; AND

(2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH MUST BE WITNESSED BY ONE (1) UNITED STATES CITIZEN WHO IS EIGHTEEN (18) YEARS OF AGE OR OLDER.

(D) THE VOTER MAY RETURN THE BALLOT BY MAIL. THE BALLOT MUST BE MARKED, ATTESTED, AND RETURNED IN ACCORDANCE WITH KMC 6.05.170(D) IF THE VOTER RETURNS THE BALLOT BY MAIL.

(E) IF THE VOTER RETURNS THE BALLOT BY ELECTRONIC TRANSMISSION, THE VOTER MUST COMPLY WITH THE SAME DEADLINES AS FOR VOTING IN PERSON ON OR BEFORE THE CLOSING HOUR OF THE POLLS.

(F) WHEN A COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE CITY THROUGH ELECTRONIC TRANSMISSION, THE CLERK WILL NOTE THE DATE OF RECEIPT ON THE ABSENTEE BALLOT APPLICATION LOG AND, IF THE BALLOT IS RECEIVED ON ELECTION DAY, THE TIME OF RECEIPT. THE CLERK WILL THEN:

(1) REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;

(2) PLACE THE BALLOT PORTION IN A SECRECY SLEEVE;

(3) SEAL THE SECRECY SLEEVE IN AN OUTER ENVELOPE OF THE TYPE USED FOR ABSENTEE BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;

(4) ATTACH THE VOTER IDENTIFICATION PORTION TO THE OUTER ENVELOPE; AND

(5) FORWARD THE OUTER SEALED ENVELOPE TO THE CANVASSING BOARD FOR REVIEW.

(G) AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL BE COUNTED IN THE SAME MANNER AS OTHER ABSENTEE BALLOTS, EVEN THOUGH THIS PROCEDURE MAY REVEAL TO ONE (1) OR MORE ELECTION OFFICIALS THE MANNER IN WHICH A

PARTICULAR ABSENTEE VOTER CAST HIS OR HER BALLOT. HOWEVER, IT SHALL BE UNLAWFUL TO DISPLAY AN ELECTRONIC BALLOT IN A MANNER REVEALING THE WAY IN WHICH A PARTICULAR VOTER CAST HIS OR HER BALLOT TO ANY PERSON OTHER THAN THE CITY CLERK, A MEMBER OF THE CLERK’S STAFF, AN INFORMATION TECHNOLOGIES TECHNICIAN RETAINED BY THE CITY, AN ELECTION OFFICIAL IN THE COURSE OF HIS OR HER DUTIES, OR AN ATTORNEY ADVISING THE CLERK ON LEGAL QUESTIONS CONCERNING THE BALLOT.

(ORDS. 2108-2005, 2556-2011)

6.05.340 STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS. (ORD. 1800-98)

CHAPTER 6.10  
FILING FOR OFFICE

SECTIONS:

- 6.10.010 NOMINATING PETITIONS.
- 6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
- 6.10.030 WITHDRAWAL OF CANDIDACY.
- 6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

6.10.010 NOMINATING PETITIONS.

(A) ANY QUALIFIED PERSON MAY HAVE HIS OR HER NAME PLACED ON THE BALLOT FOR THE ELECTION AS A CANDIDATE FOR MAYOR OR COUNCIL BY FILING WITH THE CITY CLERK, BETWEEN AUGUST 1ST, AND AUGUST 15TH, A SWORN STATEMENT OF HIS OR HER CANDIDACY. IF AUGUST 15TH IS NOT A REGULAR CITY WORKDAY, THE FILING PERIOD SHALL BE EXTENDED TO THE CLOSE OF BUSINESS OF THE NEXT REGULAR CITY WORKDAY. SUCH SWORN STATEMENT SHALL BE ACCOMPANIED BY A NOMINATING PETITION SIGNED BY TWENTY (20) OR MORE REGISTERED, QUALIFIED CITY VOTERS AS REQUIRED BY THE CITY CHARTER, SECTION 10-3.

(B) NO VOTER SHALL SIGN MORE THAN ONE (1) PETITION EXCEPT THAT A VOTER MAY SIGN AS MANY NOMINATING PETITIONS FOR COUNCILMEMBERS AS THERE ARE VACANCIES TO BE FILLED; AND IF A VOTER SIGNS MORE PETITIONS THAN HEREBY AUTHORIZED, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED.

(C) NOMINATION PETITIONS SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

**NOMINATING PETITION**

WE, THE UNDERSIGNED TWENTY (20)  
 ELECTORS OF THE CITY OF KENAI, HEREBY  
 NOMINATE AND SPONSOR  
 \_\_\_\_\_, WHOSE ADDRESS  
 IS \_\_\_\_\_, FOR THE  
 OFFICE OF \_\_\_\_\_, TO BE  
 VOTED FOR AT THE ELECTION TO BE HELD  
 ON \_\_\_\_\_; AND WE INDIVIDUALLY  
 CERTIFY THAT OUR NAMES PRESENTLY  
 APPEAR ON THE ROLLS OF REGISTERED  
 VOTERS OF THE CITY OF KENAI, AND THAT  
 WE ARE QUALIFIED TO VOTE FOR A

CANDIDATE FOR AN ELECTIVE MUNICIPAL OFFICE, AND THAT WE HAVE NOT SIGNED ANY OTHER NOMINATING PETITION FOR THE PARTICULAR OFFICE THIS CANDIDATE SEEKS. CHECK TERM OF OFFICE CANDIDATE IS SEEKING: \_\_\_\_\_ ONE YEAR; \_\_\_\_\_ TWO YEARS; THREE YEARS.

\_\_\_\_\_  
(HERE PLACE LINES FOR SIGNATURES, ADDRESSES, AND DATES OF SIGNING.)

**ACCEPTANCE OF NOMINATION**

I HEREBY ACCEPT THE NOMINATION FOR \_\_\_\_\_ AND AGREE TO SERVE \_\_\_\_\_ YEARS IF ELECTED.

DATE FILED: \_\_\_\_\_ BY: \_\_\_\_\_

RECEIVED: \_\_\_\_\_

CITY CLERK SIGNATURE OF CANDIDATE

(KC 6-33; ORDS. 247, 803, 995; AMENDED DURING 11-17-01 SUPPLEMENT; ORDS. 2067-2004, 2562-2011)

6.10.020 SUFFICIENCY OF PETITION—NEW PETITION. WITHIN THREE (3) DAYS AFTER THE FILING OF THE STATEMENT OF CANDIDACY AND NOMINATING PETITION, THE CITY CLERK SHALL DETERMINE WHETHER THE NOMINATING PETITION IS SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS, AND SO NOTIFY THE CANDIDATE. IF INSUFFICIENT, THE CITY CLERK SHALL RETURN THE PETITION IMMEDIATELY TO THE CANDIDATE WITH A STATEMENT AS TO WHY THE PETITION IS INSUFFICIENT. WITHIN THE REGULAR TIME FOR FILING PETITIONS AND STATEMENTS OF CANDIDACY, A NEW PETITION AND STATEMENT OF CANDIDACY MAY BE FILED BY THE CANDIDATE. THE ABOVE NOTICE TO THE CANDIDATE AND THE RETURN OF AN INSUFFICIENT PETITION MAY BE IN PERSON, BY DELIVERY BY POLICE, OR BY MAIL. (KC 6-34; ORD. 803)

6.10.030 WITHDRAWAL OF CANDIDACY. ANY CANDIDATE FOR OFFICE MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME BEFORE THE EXPIRATION OF THE TIME WHEN CANDIDATES MAY FILE STATEMENTS OF CANDIDACY, BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH THE CITY CLERK DURING SUCH TIME. (KC 6-35)

6.10.040 PETITION AND STATEMENT TO BE PRESERVED. THE PETITION AND STATEMENT OF CANDIDACY OF EACH CANDIDATE SHALL BE PRESERVED BY THE CITY CLERK UNTIL THE EXPIRATION OF THE TERM OF OFFICE FOR WHICH HE OR SHE WAS A CANDIDATE. (KC 6-36)

CHAPTER 6.20  
INITIATIVE AND REFERENDUM

SECTIONS:

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

6.20.010 PROVISIONS OF CHARTER TO GOVERN.  
THE INITIATIVE AND REFERENDUM SHALL BE GOVERNED BY THE CITY CHARTER, SECTIONS 11-1 TO 11-5. THE PROVISIONS OF THIS CHAPTER OF THIS CODE SHALL GOVERN ELECTIONS AT WHICH INITIATED AND REFERRED PROPOSALS ARE SUBMITTED TO THE VOTERS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-37)

CHAPTER 6.30  
RECALL

SECTIONS:

6.30.010 PROCEDURES AND GROUNDS.

6.30.010 PROCEDURES AND GROUNDS.  
PROCEDURES AND GROUNDS FOR RECALL OF INCUMBENTS OF ELECTIVE OFFICES OF THE CITY SHALL BE SUCH AS MAY BE PRESCRIBED BY LAW, AS PROVIDED BY THE CITY CHARTER, SECTION 11-6. THE PROVISIONS OF THIS TITLE OF THIS CODE SHALL GOVERN RECALL ELECTIONS, AS WELL AS OTHER ELECTIONS, INSOFAR AS THEY ARE APPLICABLE. (KC 6-38)]

Chapter 6.05  
General Provisions

**6.05.010 – Scope of Title**

This title governs all city elections in which voters of the City are entitled to vote.

**6.05.020 – Powers and Duties of the Clerk**

The clerk is the election supervisor for and shall administer all city elections.

**6.05.030 – Definitions**

The following words, terms and phases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Ballot” means any document provided by the clerk or designee on which votes may be cast for candidates or propositions. When the term “ballot” is used in this title it shall mean the official ballot, except where the context clearly indicates it means the sample ballot or both types of ballots.

"City election" means any election:

1. To fill a city office;
2. Upon a proposition submitted to the voters under the ordinances of the City; or

Ordinance No. 3127-2020

Page 19 of 39

3. That the city is required by law to administer.

"City office" means an elective office under the ordinances of the City.

"Clerk" and "City Clerk" mean the clerk of the City, any properly authorized assistant or designee.

"Day" means a calendar day including Saturday, Sunday and holidays.

"Election" includes a regular or special city election.

"Election official" means the clerk and members of all election boards.

"Election supervisor" means the clerk.

"Oath" includes affirmation on penalty of perjury.

"Precinct" means the geographical area for voting purposes that is defined by the Alaska State Legislature.

"Proposition" includes question.

"Publication" means a newspaper of general circulation or posting in public places.

"Qualified voter" means any person who has the qualifications required by this chapter and is not disqualified under Article V of the Alaska State Constitution.

"Regular election" means a general election to fill city offices as required by Alaska Statutes.

"Registration" or "registered" refers to the form of registration required by the state election code. For city elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the city election.

"Signature" includes any mark intended as a signature or subscription.

"Special election" means any election held at a time other than when a regular election is held.

"Swear" includes "Affirm".

"Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.

"Vote center" means any location designated by the clerk for the purpose of providing voter assistance that is not solely for casting votes for a specific precinct.

"Voter" means any person who presents himself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

#### **6.05.040 – Severability**

Should any provision of this title or its application to any person or set of circumstances be held invalid, the remainder of this title and its application to any persons or circumstances shall not be affected.

#### **6.05.050 – Election Times.**

- (a) Regular Election. Annually, on the first Tuesday of October, a regular election shall be held in the city for the election of vacant city offices and for the determination of other matters as may be placed on the ballot as authorized by the City Charter, Section 10-1.
- (b) Special Election. The council, by resolution or ordinance, may call a special election at any time at least 75 days prior to the date of the election. Unless the council has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place and initiative, referendum, recall, or other question before the voters.
- (c) Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a State, Borough, or other public election, or submitting a city question at such an election, as authorized by the City Charter, Section 10-8.

#### **6.05.060 – Votes Required for Election to Office.**

- (a) Each city office shall be filled by the candidate receiving the greatest number of votes as authorized by the City Charter, Section 10-4.
- (b) Tie votes. In case of a failure to elect because of a tie vote, the council shall immediately proceed to recount the votes pursuant to KMC 6.45.010. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council and under its direction, in accordance with the City Charter, Section 10-4.

#### **6.05.070 – Preservation of Election Ballots, Papers, and Materials.**

The clerk shall preserve all precinct election certificates, tallies, registers, receipts for ballots, all voted ballots, and declarations of candidacy filed for one month after the election is certified, unless the election is contested. If the election is contested, these records shall be preserved for one month after the election contest is resolved and the election is certified. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order from the court. Certificates of the canvass board are to be preserved as permanent records.

#### **6.05.080 – Election Expenses.**

- (a) The City shall pay all necessary expenses relating to the conduct of each city election. Necessary expenses shall include those associated with conducting the election. The clerk shall retain a record for auditing and payment of election expenses.
- (b) The City shall pay each election official and canvass board member an hourly rate for time spent at his or her election duties, including the receiving of instructions. The election supervisor shall set the hourly compensation to be paid for time spent by election officials.

#### **6.05.090 – Initiative, Referendum, and Recall.**

- (a) The initiative and referendum shall be governed by the City Charter, Sections 11-1 to 11-5. The provisions of this chapter of this Code shall govern elections at which initiated and



referred proposals are submitted to the voters, as well as other elections, insofar as they are applicable.

- (b) As set forth by the City Charter, Section 11-6, All incumbents of elective offices of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The Council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the State Constitution or law.

### **6.05.100 – Offenses and Penalties**

(a) It is unlawful for any person, firm, or corporation to do any of the following acts, and any person, firm, or corporation who does any of the following acts shall be guilty of a violation:

- (1) Directly or indirectly uses or threatens to use force, coercion, violence, restraint, inflicts, or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question.
- (2) Gives or promises to give, or offers any money or valuable thing to any person, with the intent to induce him or her to vote for or restrain him or her from voting for any candidate at any election or any election proposition or question.
- (3) Knowingly prints or circulates, or causes to be written, printed, or circulated, any letter, circular, bill, placard, poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer, and publisher thereof.
- (4) Writes, prints, or circulates, or who shall cause to be written, printed, or circulated, any letter, circular, bill, placard, or poster, or who causes any paid advertisement to be placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes any radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio broadcast to contain any false statement, charge, or comment relating to any candidate to any election or to any election proposition or question.
- (5) Has in his or her possession outside of the voting room any official ballot, provided that this shall not apply to election officials or other properly authorized persons having such possession in line of duty.
- (6) Makes or knowingly has in his or her possession any counterfeit of an official ballot.
- (7) Refuses to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or who, after allowing the time off, deducts the time from the compensation of the employee.
- (8) Being an election official while the vote centers are open, opens any ballot received from a voter at an election, or marks a ballot so as to be able to recognize it, or otherwise attempts to learn how any voter marked their ballot, or allows the same to be done by any other person.
- (9) Writes, produces, or assists in writing or producing any published letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charge reflecting on the character, morality, or integrity of any candidate at any election.
- (10) Votes or attempts to vote in the name of another person or in any name other than his or her own.
- (11) By force, threat, intimidation, or offer of reward, induces or attempts to induce any election official to fail in his or her duty.
- (12) Willfully changes or causes to be changed any official election documents, including ballots, tallies, and returns, or attempts to do the same.
- (13) Willfully delays or causes to be delayed the election returns, or attempts to do so.
- (14) Willfully votes or attempts to vote more than once at the same election.

(15) Signs any name other than his or her own to a petition proposing an initiative, referendum, or recall, or knowingly signs his or her name more than once for the same proposition or question at one (1) election, or signs the petition knowing that he or she is not a qualified voter.

(16) Having been contracted or employed by the City to print or reproduce in any manner any official ballot, willfully appropriates to him or herself, or gives or delivers to, or knowingly permits to be taken by anyone other than a person authorized by the City Clerk, any official ballots, or knowingly prints, reproduces, or causes to be printed or reproduced any official ballots in any other form or with any other content than that prescribed by the Charter, ordinance, or as directed by the City Clerk.

(17) Willfully makes a false affidavit or swears falsely under any oath required in connection with any election or registration for voting or falsely affirms in lieu of so swearing.

(18) Willfully fails to perform any election duty or knowingly does any unauthorized act with the intent to affect the election or its results.

(19) Willfully permits, makes, or attempts to make any false count or report of the election returns.

(20) Being an election official, willfully conceals, withholds, wrongfully changes, mutilates, or destroys the election returns, or attempts to do so.

(b) Any person, firm, or corporation who is guilty of a violation as defined hereinabove shall be punished upon conviction thereof as provided for misdemeanors in KMC 13.05.010.

#### Chapter 6.10 Voter Qualifications

##### **6.10.010 – Voter Qualifications**

A person is qualified to vote in a city election who:

- (a) Have the qualifications for voters prescribed by the City Charter, Section 10-6, the State Constitution, Article V, Sections 1 and 2, and State Law; and
- (b) Is registered to vote in state elections at a residence address within the City at least 30 days before the city election at which the person seeks to vote.

##### **6.10.020 – Rules for Determining Residence of Voters.**

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (a) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or by absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.
- (b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.
- (c) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one place of residence.

- (d) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (e) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (f) A person loses residence in this city if the person votes in another in another city's or borough's election or another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state again until qualifying under provisions of state law.
- (g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (h) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the Division of Elections in writing of a change of voting residence.

### **6.10.030 - Notice of voter registration.**

Before each election that is not a run-off election, the clerk shall post on the city website and publish at least twice in a newspaper of general circulation a notice of voter registration. The posting and first publication shall occur not less than 60 days before the election. The notice shall include the qualifications required to vote and the deadline for registering to vote in the election.

### Chapter 6.15 Filing for Office

### **6.15.010 – Candidate Qualifications**

A candidate for elective city office:

- (a) Shall have the qualifications required in City Charter, Section 2-1(b), as of the date of the declaration of candidacy,
- (b) Shall provide proof of qualifications for office as required by the clerk, and
- (c) Shall submit a nominating petition, on a form provided by the clerk, signed by twenty (20) or more registered qualified City voters, in accordance with City Charter, Section 10-3.

### **6.15.020 – Nomination and Declaration of Candidacy.**

- (a) A candidate for council or mayor may have his or her name placed on the ballot for election as a candidate for Mayor or Council by filing with the clerk, between August 1<sup>st</sup> and August 15<sup>th</sup>, 4:30 p.m., a nominating petition with sufficient signatures and a sworn declaration of his or her candidacy, on a form or forms provided by the clerk, accompanied by the public financial disclosure statement required by KMC 1.85.010(a). If August 15<sup>th</sup> is not a regular City workday, then candidates shall have until noon on the first workday following to file their candidacy paperwork.
- (b) A nominating petition shall include:
  1. The full name of the candidate the petitioners are sponsoring; and
  2. The full residence address of the candidate; and
  3. The office for which the petitioners are nominating the candidate for; and
  4. The length of the term of office for which the petitioners are nominating the candidate for; and
  5. Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai, are qualified to vote for a candidate for elective municipal office, and have not signed any other nominating petition for the particular office the named candidate seeks.

- (c) No voter shall sign more than one (1) petition except that a voter may sign as many nominating petitions for councilmembers as there are vacancies to be filled; and if a voter signs more petitions than hereby authorized, his or her signature shall be void except as to the authorized number of petitions first filed.
- (d) A declaration of candidacy shall include:
1. The full name of the candidate and the manner in which he/she wishes his/her name to appear on the ballot; and
  2. The full residence and mailing address of the candidate; and
  3. The office for which the candidate declares; and
  4. A statement that the candidate is qualified for the office as provided by law; and
  5. Certification that the information contained in the declaration of candidacy is true and accurate; and
  6. The date and signature of the candidate; and
  7. Attestation and date by the clerk; and
  8. Any other information the clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (e) Within three (3) days after the filing of the declaration of candidacy and nominating petition, the clerk shall determine whether the nominating petition is signed by the required number of registered voters, and so notify the candidate. If insufficient, the clerk shall return the petition immediately to the candidate with a statement as to why the petition is insufficient. Within the regular time for filing petitions and declarations of candidacy, a new petition and declaration of candidacy may be filed by the candidate. The above notice to the candidate and the return of an insufficient petition may be in person or by mail.

#### **6.15.030 – Review of Candidate Qualifications.**

- (a) In determining residence within the City, for the purposes of this chapter, the clerk shall apply the following rules:
1. A person establishes residence within the city by:
    - (A) Actual physical presence at a specific location within the city; and
    - (B) Maintaining a habitation at the specific location;
  2. A person may maintain a place of residence at a specific location within the city while away from the location for purposes of employment, education, military service, medical treatment or vacation if the person does not establish residency at another location; and
  3. A qualified voter loses residence by voting in another city or borough or in another state's election.
- (b) The clerk shall determine whether each candidate is qualified as provided by law. At any time before the election the clerk may disqualify any candidate whom the clerk finds is not qualified. A candidate who is disqualified may request a hearing before the clerk. The hearing shall be held no later than 5 business days after the request unless the candidate agrees in writing to a later date.
- (c) Any person may question the eligibility of a candidate who has filed a declaration of candidacy by filing a complaint with the clerk. A complaint regarding the eligibility of a candidate must be received by the clerk not later than the close of business on the 10<sup>th</sup> calendar day after the filing deadline for the office for which the candidate seeks election.
- (d) The complaint must be in writing and include the name, mailing address, contact phone number, and signature of the person making the complaint, and a statement in 200 words or less specifying the grounds for the complaint, described in particular, on which the candidate's eligibility is being questioned.

- (e) The clerk will review only those issues cited in the complaint related to candidate qualifications established by this chapter.
- (f) Upon receipt of a complaint, the clerk will review any evidence relevant to the issues identified in the complaint which is in the custody of the municipal clerk's office including evidence provided with the complaint, the candidate's registration record, declaration of candidacy, and, in the discretion of the clerk, any other public record. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the clerk will determine whether a preponderance of evidence supports or does not support the eligibility of the candidate. The process for issuing a final determination will be as follows:
1. The clerk will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, supporting relevant evidence, a statement as to whether a preponderance of evidence reviewed as of that notice supports or does not support the eligibility of the candidate, and a request that the candidate provide a sworn response statement along with any relevant supporting evidence.
  2. The clerk must also notify the challenger that all relevant evidence must be submitted within 7 calendar days of the date of the clerk's notice to the candidate that a complaint has been filed. If the clerk receives additional evidence during this 7-day period, such evidence must be provided to the candidate with an opportunity to respond. Absent extraordinary circumstances, the clerk shall not consider evidence received after the challenger's deadline to submit evidence.
  3. The candidate's response statement and any supporting evidence must be received within 10 calendar days of the date of the clerk's notice to the candidate that a complaint has been filed. Absent extraordinary circumstances, the clerk shall not consider evidence received after the candidate's deadline to submit evidence.
  4. For purposes of this section, "extraordinary circumstances" must be specified in writing, documenting a serious circumstance or event beyond the control of the individual providing the late evidence.
  5. Following review of all relevant evidence in the case, and within 20 days of receiving the complaint, the clerk will issue a final determination based on a preponderance of evidence standard for review
  6. A final determination must be issued in writing within 20 days of the clerk receiving the complaint.
- (g) The clerk must send the final written decision to the person making the complaint and to the candidate. The clerk's decision shall be sent by certified mail and by electronic mail (email), if an email address is known. The determination of the clerk constitutes a final administrative decision. An appeal of the clerk's decision shall be filed with the State of Alaska Superior Court at Kenai, Alaska in conformance with the Rules of Appellate Procedure of the State of Alaska, Part VI.

#### **6.15.040 – Correction, Amendments, and Withdrawal of Declaration of Candidacy.**

- (a) Any candidate may withdraw their nomination at any time during the period for filing a nomination petition declaration of candidacy by appropriate written notice to the clerk. However, after the filing period has closed, no declaration may be corrected, amended or withdrawn.
- (b) A declaration of candidacy presented shall not be changed as to term of office. If a candidate desires to file for a different seat, the candidate shall request new forms from the clerk.

#### **6.15.050 – Campaign Reporting.**

All candidates for elective city office shall comply with the Alaska Public Offices Commission campaign reporting requirements in Alaska Statutes 15.13. The name of the candidate shall be placed on the ballot by the clerk only after the candidate has complied with this requirement.

**6.15.060 – Prohibitions.**

- (a) A person may not serve simultaneously as a member of the city council or mayor and as a member of the borough assembly or as borough mayor.
- (b) No elected official of the City may hold any other compensated city office or city employment or elected position in the state or federal government while in office.

**6.15.070 – Notice of Vacancy.**

At least ten days before nominations are open for each regular or special election, the clerk shall publish at least twice in a newspaper of general circulation, a notice of offices to be filled at the election and the procedure for filing a nomination petition and declaration of candidacy for the offices.

**6.15.080 – Watchers.**

Any candidate for elective city office may appoint a watcher for each vote center or counting center. State law relating to watchers in elections shall govern watchers in city elections insofar as it is applicable.

Chapter 6.20  
Administration of Elections

**6.20.010 – Election Notices.**

- (a) Notice of Election. Before every city election, regular or special, the clerk shall cause to be published at least twice in a newspaper of general circulation, a notice of election. The clerk shall also post a notice of election on the official city bulletin board and in two (2) other public places in the city limits. The posting and first publication shall occur at least 20-days before an election. Each notice of election shall include:
  - 1. The type of election, whether regular or special;
  - 2. The date of the election;
  - 3. A statement that the election is to be conducted by mail and that there will be no precinct polling places open for the election on election day;
  - 4. The hours and locations the vote centers will be open;
  - 5. The offices to which candidates are to be elected;
  - 6. The subjects of propositions to be voted upon;
  - 7. Voter qualifications and instructions for registration; and
  - 8. Instructions for application for absentee voting.
- (b) Failure to publish such a notice of an election shall not affect the validity of the election or of the vote for any candidate or on any proposal; but, if caused by the clerk, shall constitute failure to perform his or her official duties.
- (c) In addition to the above notice, the clerk shall publish in full, every charter amendment, every ordinance, and every other question which is to be submitted at an election, except a referred ordinance which was published in full after passage, not more than four (4)

weeks and at least two (2) weeks before the election in accordance with the City Charter, Sections 1-7(4) and 10-8.

- (d) Notice of Bonded Indebtedness. Before a general obligation bond issue election, the clerk shall publish notice of total existing bonded indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20-days before the date of the election. The notice must include:
1. The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the City;
  2. The cost of the debt service on the current indebtedness; and
  3. The total assessed valuation within the city.

#### **6.20.020 – Election Officials.**

- (a) Before each election, the clerk, subject to approval by the council, shall appoint election officials.
- (b) If any appointed election official is not able or refuses to serve, the clerk may appoint a replacement for that official.
- (c) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.
- (d) Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and an election official in regular or special elections. Those familial relationships are:
1. Mother, mother-in-law, stepmother;
  2. Father, father-in-law, stepfather;
  3. Sister, sister-in-law, stepsister;
  4. Brother, brother-in-law, stepbrother;
  5. Spouse; or
  6. Person sharing the same living quarters.
- (e) If the clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced.

#### **6.20.030 – Ballot Form.**

- (a) The ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in that election. However, the order of placement of the names of the candidates for each office shall be randomly determined by the clerk.
- (b) The title of the office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for no more than \_\_\_\_\_" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out in order as provided in subsection A. of this section.
- (c) The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the clerk may determine. The words "yes" and "no" shall appear below each proposition.

- (d) Each ballot shall bear the words "Official Ballot," and the date of the election.
- (e) A ballot shall be printed either on paper or on card stock as provided in this title.
- (f) The ballots shall be consecutively numbered.

#### **6.20.040 – Ballot Preparation and Distribution.**

- (a) The clerk shall have ballots printed for each election. The clerk may contract for the preparation and printing of ballots without competitive bidding.
- (b) The clerk shall possess the printed ballots at least 21 days before each regular election and at least 15 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his or her authorized agent, and any discovered mistake shall be corrected immediately.
- (c) The clerk shall have sample ballots available to voters which are identical in form to the official ballot, and which are printed on colored paper and marked "sample." Sample ballots shall be made available at vote centers.

#### Chapter 6.25 Elections by Mail

#### **6.25.010 – By-Mail Precincts.**

- (a) All precincts within the City shall be designated as "by-mail" precincts. The procedures shall be as follows:
  - a. Ballots shall be sent to each registered voter in the precinct on or before the 21<sup>st</sup> day prior to the regular or special election
  - b. Voted ballots must be postmarked on or before midnight of Election Day and received by the clerk no later than the Tuesday following the election.
- (b) Voters wishing to vote in person may do so at designated vote center(s).

#### **6.25.020 – Procedures for Conducting Elections by Mail.**

- (a) The clerk shall mail by non-forwardable mail an official ballot package with a return identification envelope addressed to the Clerk's Office and a secrecy sleeve. The ballot, return envelope, and secrecy envelope shall be mailed no later than the 21st day before the date of a regular or special election and no later than the 15th day before the date of a runoff election. The ballot shall be sent to the address stated on the official registration list unless:
  - 1. The voter has notified the clerk in writing of a different address to which the ballot should be sent; or
  - 2. The address on the official registration list has been identified as being an undeliverable (UN) address or is in the condition of purge notice (PN).
- (b) On receipt of any ballot described in this section, the voter shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the Clerk's Office by return mail or by depositing the ballot at any place of deposit designated by the clerk. The ballot must be returned in the identified envelope. A ballot must be received by the clerk or at a place of deposit designated by the clerk, not later than the end of the period determined under regulations established by the clerk.

#### Chapter 6.30



Absentee and Vote Center Voting.

**6.30.010 – Administration of Absentee Voting.**

The clerk shall provide general administrative supervision over the conduct of absentee voting. The clerk shall make available, instruction to absentee voters regarding the procedure for absentee voting.

**6.30.020 – Designation of Absentee Voting Officials.**

The clerk may appoint any person qualified to vote in state elections to act as absentee voting officials. The clerk shall supply adequate voting supplies and ballots to the absentee voting officials. After taking an oath in the form required of election officials, an absentee voting official may perform all the duties of an election official with respect to the issuance, witnessing and receipt of absentee ballots at such places and times as the clerk may designate. Each absentee voting official shall transmit the dated envelopes containing the marked ballots to the clerk in the manner set forth in the written instructions provided by the clerk. Upon receipt of the absentee ballots, the clerk shall hold the ballots in a secure location until they can be transferred to the canvass board along with the absentee in person registers and other election materials received from the absentee voting official.

**6.30.030 – Eligibility.**

Any qualified voter may vote at a vote center for the precinct in which the voter resides and is registered if the voter was unable to vote by mail whether inside the city or not.

**6.30.040 – Fee Prohibited.**

No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

**6.30.050 – Materials for Absentee Voting.**

The clerk shall provide ballots for use as absentee ballots for all precincts, and shall provide a small envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate which shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified themselves, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed.

**6.30.060 – Vote Center Voting – In Person.**

- (a) A qualified voter may apply in person for an absentee ballot at the office of the clerk during regular office hours, or the voter may apply to the borough clerk's office or election official during regular office hours.
- (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the election official shall issue the ballot to the applicant.

- (c) The voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope in the presence of the election official who shall sign as attesting official and date of the signature. The election official shall then accept the ballot.
- (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide the voter with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement.
- (e) Each election official shall keep a record of the names and the signatures of voters who cast absentee ballots before the election official and the dates on which the ballots were cast.
- (f) Fifteen minutes before the closing of the vote center, and at the time of closing the voter center, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the voter center. After closing, no person will be allowed to enter the voter center for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the voter center may vote.
- (g) When the vote centers are closed and the last vote has been cast, the election official shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the clerk, the number of official ballots supplied.

### **6.30.070 – Absentee Voting – By Mail.**

- (a) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. A voter may request his name be placed on permanent absentee by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature.
- (b) After receipt of an application by mail, the clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the clerk.
- (c) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date his signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by a person over the age of 18 years.
- (d) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use the most expeditious mail service and mail the ballot not later than the day of the election to the clerk. It must be postmarked on or before midnight of Election Day and received by the clerk no later than noon on the seventh day following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballot of the election.
- (e) The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity.

- (f) The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the clerk and the dates on which the ballot was executed and postmarked.

### **6.30.080 – Absentee Voting – By Electronic Transmission.**

- (a) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven days prior to the election, the ballot will be mailed in the manner provided in KMC 6.35.070 for absentee ballots by mail. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- (b) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the vote center is acceptable.
- (c) An absentee ballot that is completed and returned by the voter by electronic transmission must:
1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and
  2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- (d) The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the clerk. The ballot may not be counted unless it is received by noon on the 7th day after the election.
- (e) A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing hour of the vote centers.
- (f) When a completed absentee ballot is received by electronic transmission, the clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on Election Day, the time of receipt. The clerk will then:
1. Remove the ballot portion of the transmission from the portion that identifies the voter;
  2. Place the ballot portion in a secrecy sleeve;
  3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
  4. Attach the voter identification portion to the outer envelope; and
  5. Forward the outer sealed envelope to the canvas board for review.
- (g) An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the clerk, a member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the clerk on legal questions concerning the ballot.

### **6.30.090 – Special Needs Voting.**

A qualified voter with a disability who, because of that disability, is unable to go to a vote center to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

### **6.30.100 – Prohibitions.**

- (a) During the hours that the vote centers are open, no election official may discuss any political party, candidate or issue while on duty.
- (b) During the hours the vote centers are open, no person who is in the voter center or within 200 feet of any entrance to the voter center may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the clerk.
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- (d) While the vote centers are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the voter center with the official ballot that the person received to mark.

### **6.30.110 – Assisting Voter.**

A qualified voter who cannot read, mark the ballot, or provide a signature may request assistance from an election official or not more than two persons of the voter's choice. If the election official is requested, the official shall assist the voter. If any other person is requested, the person providing assistance shall state upon oath before the election official that the voter's ballot will be kept confidential.

### **6.30.120 – Spoiled Ballots.**

The election supervisor shall specify uniform procedures for replacement, registration and disposition of spoiled ballots. These uniform procedures shall be provided in writing to the election judges.

### **6.30.130 – Placing Ballot in Ballot Box.**

When the voter has marked the ballot, the voter shall inform the election official. The clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

## Chapter 6.35 Ballot Counting Procedures.

### **6.35.010 – Commencement of Ballot Count.**

Upon receipt of voted ballot packages the election official will verify that the voter has provided at least one identifier, signed the envelope and that the signature has been witnessed. If the ballot package is complete and valid the package will be sorted by precinct and the ballot and identifying

envelope will be separated. The ballot will proceed to be scanned and counted. The unofficial results will not be tallied until the end of the designated election period.

### **6.35.020 – General Procedure for Ballot Count.**

The clerk may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. Discrepancies shall be noted and the numbers included in the certificate prescribed by the clerk. When hand counting ballots, the election official shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity.

### **6.35.030 – Rules for Counting Hand-Marked Ballots.**

- (a) The election officials shall count hand marked ballots according to the following rules:
1. A voter may mark his or her ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the parking device provided at the vote center or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
  2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
  3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
  4. If a voter more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
  5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
  6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
  7. An erasure or correction invalidates only that section of the ballot in which it appears.
- (b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

### **6.35.040 – Write-in Votes.**

- (b) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- (c) In order to vote for a write-in candidate, the voter must write a candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with KMC 6.35.030(a). Stickers may not be used. Use of stickers can cause that portion of the ballot to be invalidated.

(d) Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

#### **6.35.050 – Disqualified Candidate.**

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

#### **6.35.060 – Tally of Votes.**

Tally of votes cast by paper ballots. The clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in KMC 6.30.030. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

#### **6.35.070 – Completion of Ballot Count.**

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered to the election supervisor. The package shall clearly indicate the precinct from which it came. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

### Chapter 6.40

#### Canvassing and Certification of Election Results.

#### **6.40.010 – Canvass Board.**

(a) Pursuant to the provisions of Section 10-9 of the Charter of the City of Kenai, there is hereby established a Canvassing Board for the canvassing of all City elections; regular and special, and to ascertain and declare the results thereof, as follows:

(1) The City Clerk is hereby designated as the Chair of the Canvassing Board.

(2) The Canvassing Board shall consist of the City Clerk and up to eight (8) additional judges selected from among the qualified voters of the city. In the event any such appointed member of the Board is absent from the city, ill, or otherwise unable to attend at the time set for canvassing the ballot, the City Clerk is hereby authorized to appoint another election judge from the same precinct to substitute for the appointed member.

(b) All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

**6.40.020 – Preparation for Counting Ballots Delivered by Mail.**

- (a) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.
- (b) Not sooner than the tenth day before the date of an election, in preparation for counting ballots delivered by mail, the election supervisor may:
  1. begin opening return identification and secrecy envelopes of ballots delivered by mail and received; and
  2. take any other actions that are necessary to allow the counting of ballots delivered by mail to begin at 8:00 p.m., local time, on election day.

**6.40.030 – Canvass of Returns.**

- (a) The canvassing board shall meet on the Tuesday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee ballot and of votes cast by mail ballot, and shall prepare a written report of the results.
- (a) The clerk, as chair of the canvassing board, shall report the results of the election to the council at the next regular council meeting following the meeting of the canvassing board.

**6.40.040 – Voters Not on Official Registration List.**

A person whose registration has been canceled under AS 15.07.130(b) shall not have their ballot counted.

**6.40.050 – Certification of the Election Results.**

- (b) At the next regular council meeting following the meeting of the canvassing board, the council shall meet in public session to receive the report of the canvass board. If, after considering the report, the council determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.
- (c) If the canvass board reports that a failure to comply with provisions of state law and city ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- (d) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the council may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the council. The council shall meet as soon as possible to certify the results of the election recount.
- (e) Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the city, in accordance with City Charter, Section 10-9.

Chapter 6.45

## Election Recount.

### **6.45.010 – Recount Application.**

- (a) Any defeated candidate or any ten (10) qualified voters, who believe that a mistake has been made by an election official or by the canvass board in counting the votes in any election, may make an application in writing to the clerk for a recount of the votes for any particular office or on any particular question. The application must be filed in the office of the City Clerk within twenty-four (24) hours, excluding any Saturday, Sunday, or holiday after the Council certifies the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, to which only one candidate is to be elected, the clerk shall initiate a recount.
- (b) The application shall include a deposit in cash or by certified check for the amount listed in the most current City of Kenai Schedule of Rates, Charges and Fees. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.
- (c) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

### **6.45.020 – Date of Recount – Notice.**

- (a) If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within forty-eight (48) hours, excluding any Saturday, Sunday, or holiday, after the receipt of an application requesting a recount of the votes in a city election after it has been initiated under KMC 6.45.010.
- (b) The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by telephone or electronic transmission.

### **6.45.030 – Procedure for Recount.**

- (a) If a recount of ballots is demanded, the clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.
- (b) In conducting the recount, the recount board shall review all ballots to determine which ballots or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative convenience, the clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.
- (c) The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten days.

### **6.45.040 – Certification of Recount Result.**



Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the council. The council shall abide by procedures for issuing a certificate of the election as set forth in this title. The clerk shall promptly issue another election certificate if a change in the results requires it.

**6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount.**

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is 4 percent or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount applicant; otherwise, it shall be placed in the general fund of the City. If this section does not require that the entire deposit be refunded, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section and the deposit is insufficient to cover the costs, the City may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

**6.45.060 – Appeal to the Courts After Recount.**

Any candidate or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount involving any candidate or question, may appeal to the Superior Court in accordance with applicable court rules governing appeals in civil matters. The filing of the appeal and the proceedings shall be, as nearly as may be, as in case of such an appeal made after a recount in a State election.

Chapter 6.50  
Contest of Election.

**6.50.010 – Grounds for Election Contest.**

A candidate or any ten (10) qualified voters of the city may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:  
(a) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;  
(b) The person elected is not qualified under law or ordinance; or  
(c) Existence of a corrupt election practice, as defined by the laws of the State of Alaska, sufficient to change the result of the election.

**6.50.020 – Contest Procedure.**

(a) Notice of contest of an election shall be submitted in writing to the clerk before five p.m. on the day of the certification of the election or to the assembly at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

**NOTICE OF ELECTION CONTEST**

The undersigned contest the regular (or special) election of the City of Kenai held on the \_\_\_\_\_ day of \_\_\_\_\_ . The grounds for the contest are as follows:

Signature and date

(Notarization)

- (b) Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- (c) If the contest involves the eligibility of voters the council shall direct the clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the council may so declare and determine the election valid and certify the results pursuant to this title.
- (d) If the contest involves other prohibited election practices which are shown to have taken place, the council, in certifying the election returns, shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the council shall declare the election valid and certify the results pursuant to this title.
- (e) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KMC 6.45.010.

**6.50.030 – Appeal or Judicial Review.**

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the city, has exhausted all administrative remedies before the council, and has commenced within ten (10) days after the council has finally declared the election results, an action in the superior court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 6.55  
Special Elections.

**6.55.010 – Procedure.**

The clerk shall conduct special elections in accordance with the procedures set out in this title for a regular election.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this \* day of \*, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

Ordinance No. 3127-2020  
Page 39 of 39

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Jamie Heinz, CMC, City Clerk

Introduced: May 20, 2020  
Enacted: \*, 2020  
Effective: \*, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Robert Peterkin, Council Member  
**DATE:** May 14, 2020  
**SUBJECT:** Ordinance No. 3127-2020

---

In January 2019 the Kenai Peninsula Borough formed the Election Stakeholder Group in response to an ADA complaint related to election practices and I, along with Mayor Gabriel, City Manager Ostrander, and City Clerk Heinz participated in the group's meetings. The group's guiding principles included maximizing accessibility and inclusivity, ensuring efficiency and conservation of public resources, ensuring voter satisfaction and confidence, ensuring longevity in the solution, promoting coordination and collaboration, ensuring security and integrity of the voting system, encouraging higher voter turnout, and ensuring continuity of election operations. The group received presentations from local clerks, the State of Alaska Division of Elections, the Municipality of Anchorage, the United States Postal Service, and the Kenai Peninsula Borough's (KPB) current ballot printer. The group also received demonstrations from two software/hardware providers. Presentations reviewed both polling place and vote by mail structures. The group unanimously adopted six recommendations, the number one recommendation being to transition the election process from a polling site structure to a vote by mail hybrid structure. On September 18, 2019, the Kenai City Council adopted Joint Resolution No. 2019-001, recognizing the recommendations of the KPB Election Stakeholders Group and directing staff to explore implementation of the recommendations.

In December 2019, the KPB clerk's office contracted with Resource Data for the completion of a feasibility study and cost analysis for a vote by mail system implementation and, Resource Data's final feasibility study, in section 2.1. Overall Assessment, indicated that they believed that KPB would be able to successfully transition to an area-wide vote by mail election process.

The City of Kenai shares approximately 6,000 voters with KPB and traditionally, much of the election process is a joint effort making voting both in the City of Kenai and KPB elections not only a more convenient process for the shared voters but a more fiscally responsible one.

Ordinance 3127-2020 will codify and implement the vote by mail hybrid system recommended by the Election Stakeholders Group in conjunction with KPB to continue to provide convenient, secure and fiscally responsible elections to the city's voters in a sustainable and accessible way.

Your consideration is appreciated.



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz  
**DATE:** May 12, 2020  
**SUBJECT:** **Ordinance No. 3127-2020**

---

Following is an analysis of how our current election code was incorporated into Ordinance No. 3127-2020, highlights potential policy changes, and discusses which sections of our current election code would no longer be needed if the city were to move to a by-mail election process.

6.05.010 is new and provides a scope for the title.

6.05.020 replaces current 6.05.070, indicates that the clerk administers elections, and was adapted from Kenai Peninsula Borough (KPB) Code.

6.05.030 is new, provides definitions, and was incorporated as found in KPB's code as potentially amended by KPB Ordinance No. 2020-24.

6.05.040 is new, provides a severability clause, and was incorporated from KPB's code.

6.05.050 speaks to timing of elections, is adapted from KPB code, includes some details from our own city charter, and provides a timeline for a special election. Subsection (c) replaces current 6.05.260.

6.05.060 speaks to the number of votes required for election to office, includes detail from city charter, and is adapted from KPB code; subsection (b) replaces current 6.05.130.

6.05.070 speaks to record retention and replaces current 6.05.280. This section is adapted from KPB code and reduces retention of most records to 30 days after certification of election. Because retention of some election certification records is permanent, windows of appeal periods being small, and certification finalizing the election the records being reduced to the shortened retention length would no longer be needed; others are not the City's record but Alaska Public Offices Commission's (APOC) record. Ordinance No. 3128-2020 is a companion ordinance to this one and moves retention of financial disclosure forms, as is, to Title 1.

6.05.080 replaces current 6.05.050; addresses the city paying all necessary expenses relating to its elections and was modified to remain consistent with KPB regarding wages and by-mail.

6.05.090 replaces current chapters 6.20 and 6.30 relating to initiative, referendum, and recall situations.

6.05.100 brings offenses and penalties forward which are currently in 6.05.270. Some offenses to note are, using force to coerce a voter to vote in a certain way and voting or attempting to vote in the name of another person or in any name other than his or her own. Punishments for convicted violations are spelled out in KMC 13.05.010 so, our own police department could be leveraged to investigate.

6.10.010 replaces current 6.05.010 relating to voter qualifications, is also spelled out in charter, and adds a bit more language specific to registration; this was adapted from City of Soldotna (CoS) and KPB.

6.10.020 is new and was included pursuant to KPB and CoS. It was modified from AS 15.05.020. This information would provide something for the city to look to in the event of an election contest.

6.10.030 is new in the code but has been past practice; a joint advertisement with CoS.

6.15.010 and 6.15.020 pull a lot of information from city charter and replace current chapter 6.10. They go into more detail about what information is included in nomination petitions and declarations of candidacy. A change here which was incorporated from KPB code modifies the ending of the filing period in the event August 15 falls on a weekend or holiday with the extended deadline being noon on the designated day instead of close of business.

6.15.030 is new; was copied from a KPB ordinance which was adopted in January. This section will provide review processes for determining candidate qualifications and also in the event of an election contest similar to what Homer, KPB, and Haines have experienced.

6.15.040 provides an opportunity for a candidate to amend and withdraw their candidacy. It contains some information from current 6.10.030 and was adapted from KPB code.

6.15.050 is new and is a policy decision relating to campaign reporting; it was taken from KPB code. It can be left as it is which puts the clerk in the position of policing state law, or the second sentence can be removed putting the onus on the candidate. It is current practice that the clerk provides information for accessing APOC to determine what type of reporting would be necessary.

6.15.060 would be a new policy in our code and was taken from KPB and COS.

6.15.070 is a new policy for our code but is current practice, likely taken from KPB at some point.

6.15.080 speaks to watchers and is in our current code as 6.05.060. It is not in KPB code so Anchorage code was looked to for rewording in a by mail situation.

6.20.010 covers election notices and replaces current 6.05.320. Timing changes match KPB. A notice of bonded indebtedness was included which isn't currently mentioned in our code.

6.20.020 regarding election officials replaces current 6.05.040 regarding poll workers and now matches KPB's ordinance 2020-24 for by mail.

6.20.030 is new and specifies ballot form.

6.20.040 speaks to ballot preparation and distribution, and covers what is currently 6.05.080; this was copied from KPB so election resources could continue to be shared.



Chapter 6.25 speaks to by mail elections and is copied from KPB's ordinance 2020-24 for by mail; 6.25.010 incorporates current 6.05.030 to the extent possible with a transition to a by mail election.

6.30.010 is new and speaks to the clerk supervising absentee voting; it was copied from KPB code.

6.30.020 speaks to absentee voting officials and was copied from KPB code and ordinance 2020-24; it covers current 6.05.340 and 6.05.330.

6.30.030 and 6.30.040 discuss who is eligible to vote by mail and prohibits someone collecting a fee for attesting a voter's certificate required on an absentee ballot; these were copied from KPB code.

6.30.050 discusses the clerk providing materials for absentee voting and covers the absentee portion of current 6.05.080.

6.30.060 discusses voting in person in a vote center and was copied from KPB ordinance 2020-24 to provide for sharing resources; this section covers portions of current 6.05.145, 150, and 160.

6.30.070 discusses voting absentee by mail and was adapted from KPB code and ordinance 2020-24. This section addresses portions of current 6.05.140, 145, 150, 160, and 170. It also speaks to a portion of current 6.05.120(c). A new policy here provides that a permanent absentee by mail list will be provided by the City. This is in KPB's existing code and was being considered by the state through HB115 which died in committee when legislature adjourned.

6.30.080 speaks to voting absentee by electronic transmission and incorporates current code sections 6.05.145, 150, 160, 170, and 335.

6.30.090 is not in our current code; however, has been our practice.

6.30.100 speaks to electioneering rules and was not previously codified by the city; it was copied from KPB code.

6.30.110 provides guidance on assisting voters and was not previously codified by the city; it was also copied from KPB code.

6.30.120 provides for the clerk to specify rules for spoiled ballots and has been practice though it has never been in code; it was copied from KPB code.

6.30.130 discusses ballot boxes in the vote centers and covers current 6.05.090 to the extent possible with a mostly by mail election; it was copied from KPB code as may be amended by ordinance 2020-24.

Chapter 6.35 is copied from KPB's code and ordinance 2020-24 to match in counting procedures for sharing election resources.

6.40.010 moves into the canvass board part of the election and incorporates what is currently in 6.05.120 (a); it was adapted from KPB code as may be amended by ordinance 2020-24 and it now speaks to full number of election workers and no longer refers to precincts.



6.40.020 begins with counting procedures considering an influx of by mail ballots received and was copied from KPB code as may be amended by ordinance 2020-24.

6.40.030 is a high level overview of the canvass board's responsibilities and incorporates current 6.05.120(b) and (d)

6.40.040 speaks to ballots of voters not appearing on official registration lists not being counted and has been practice; this section was copied from KPB code.

6.40.050 discusses certification of election results and contains information from charter and the city's past practices; it is new and was adapted from KPB code.

Chapter 6.45 provides policies and adds procedures for an election recount and was copied from KPB code while incorporating the city's current code sections 6.05.220 and 6.05.230. Timelines and certain practices were updated; for example, our code currently indicates that a recount request can be brought to the Mayor and that the requestor can pay by bond.

Chapter 6.50 provides policies and adds procedures for an election contest and was copied from KPB code while incorporating 6.05.240.

To the extent possible with a transition to a by mail election process, all current sections of code were incorporated into this ordinance while retaining the ability to share resources with the borough and attempting to improve processes and provide clarity. Sections in current code that were not incorporated in some way were 6.05.110 which speaks to following state statutes regarding to elections and a poll-based type of election, 6.05.200 is not addressed in KPB code and was left out to provide for the ability to share resources with the borough to the extent we decide, 6.05.210 which speaks to computer testing to the satisfaction of a data processing control board which does not exist, and 6.05.250 which speaks to rules and regulations developed by the Director of Elections at the state level which would be aimed at poll based elections.







## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, CMC, City Clerk  
**DATE:** June 24, 2020  
**SUBJECT:** Ordinance No. 3127-2020 Amendments

---

At the June 18 work session I was asked to review a few sections of Ordinance 3127-2020. This is a summary of findings and my recommendations.

1. It was suggested that Section 6.15.060 in Ordinance 3127-2020, relating to prohibiting a Council Member filling other elective offices, conflicts with Charter Section 2-3, which allows for a Council Member to be paid for a Borough Assembly position.

Recommended amendment:

**Amend Ordinance 3127-2020 by deleting Section 6.15.060 in its entirety and renumbering all subsequent sections in chapter 6.15 appropriately.**

2. It was asked if the ballot placement procedure would change given the statement in Section 6.20.030 of Ordinance 3127-2020 that name placement would be randomly determined by the clerk. The name placement procedure that is used at present is not currently addressed in code and I have no intent to change present practice; the random determination by the clerk would be determination by drawing names.
3. It was noted that Section 6.30.030 in Ordinance 3127-2020, which speaks to eligibility for voting by mail with a caveat that the voter needs to be unable to vote by mail, conflicted with Section 6.30.010 (b) which provides that voters wishing to vote in person may do so at designated vote centers.

Recommended amendment:

**Amend Ordinance 3127-2020 by deleting the words, "if the voter was unable to vote by mail," so Section 6.30.030 reads, "Any qualified voter may vote at a vote center for the precinct in which the voter resides and is registered whether inside the city or not."**

Additionally, some other suggestions were brought to my attention and I would like to thank Carol Freas for doing so. From her suggestions I recommend the following amendments:

1. Definition of “Qualified Voter.” Qualified voter is defined in charter and in section 6.10.010 of Ordinance 3127-2020. In section 6.10.010, charter is cited.

Recommended amendment:

**Delete the definition of Qualified Voter in section 6.05.030.**

2. In section 6.15.040(b) of Ordinance 3127-2020 reference is made to filing for a different seat. The city doesn’t have council seats and this is an error from copying and pasting.

Recommended amendment:

**Amend Ordinance 3127-2020 by replacing the word, “seat,” with the word, “office” in Section 6.15.040(b).**

Several scrivener’s errors were pointed out and if there is no objection, I will correct them for the official enacted version or a substitute version should it be decided a substitute is needed. Examples of the errors include:

In the definition of ballot in 6.05.030, the word case should be cast and the word is should be it. In 6.05.090(b) All should be all. In 6.10.020(f) in another appears twice in a row. In 6.15.030 there are several references to numbers that, for consistency, should be spelled out with the number following.

Finally, on Monday, June 22, the Borough Clerk sent an email advising that Mayor Pierce intended to veto Kenai Peninsula Borough (KPB) Ordinance 2020-24, which is the KPB’s ordinance for a by-mail hybrid election style, and it is anticipated the veto would be addressed at the July 7<sup>th</sup> assembly meeting. She also indicated that on Friday, June 19, she received a referendum petition for the same ordinance noting that the sponsors had until July 27 to obtain the required 1300+ signatures in order to place question to refer the ordinance on the October 6 ballot; she then has ten days to certify there are a sufficient number of petitions. Given this information, **I recommend postponing Ordinance 3127-2020 to the August 19 meeting.** At that meeting we would know if the outcome of the above and we could identify our next steps forward.

The amendments proposed herein may be reserved to a future meeting; I felt it best to get them documented sooner than later.

Your consideration is appreciated.





Sponsored by: Council Member Peterkin

## CITY OF KENAI

### ORDINANCE NO. 3127-2020 (SUBSTITUTE)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, REPEALING AND REPLACING KENAI MUNICIPAL CODE TITLE 6- ELECTIONS, TO PROVIDE CLARITY, PROCESS IMPROVEMENTS, AND INCREASE VOTER ACCESSIBILITY THROUGH VOTE BY MAIL ELECTIONS.

WHEREAS, state statutes provide that local governing bodies establish the procedures governing local elections; and,

WHEREAS, it is in the best interest of the City to provide for clear processes in its elections; and,

WHEREAS, the City has realized efficiencies in its election processes by sharing election resources such as election workers with the Kenai Peninsula Borough (KPB); and,

WHEREAS, KPB entered into a conciliation agreement with the Alaska Human Rights Commission which specified that the KPB would have an ADA compliant election process in place by the end of 2020; and,

WHEREAS, it is prudent for the City to also have ADA compliant election processes in place; and,

WHEREAS, the KPB Assembly established the Election Stakeholders Group (“ESG”) through the direction and adoption of Resolution 2019-006, which included community members and members from many local governments in the KPB, including City Manager Ostrander, Mayor Gabriel, Council Member Peterkin and City Clerk Heinz from the City; and,

WHEREAS, the ESG researched ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity; and,

WHEREAS, ensuring security of the voting system, including hardware, software, accountability procedures, and the voter registration database and maintaining integrity in the system by adopting internal controls, including signature verification, to ensure all valid votes are counted were among guiding principles adopted by the ESG; and,

WHEREAS, after holding many public meetings throughout 2019 the ESG issued a final report with six specific recommendations regarding potential changes to KPB code and election processes which are intended to achieve guiding principles adopted by the ESG; and,

WHEREAS, recommendation number 1 of the ESG was for the KPB assembly to transition the election process from the current polling site structure to a vote by mail hybrid structure (VBMS); and,

WHEREAS, recent catastrophic events including disaster declarations related to local floods, fires

Ordinance No. 3127-2020

Page 2 of 37

and a global public health pandemic reinforce the need to implement a VBMS election process that will allow for greater flexibility and voter participating when events make it impractical or impossible to vote at a traditional polling site; and,

WHEREAS, in response to the current statewide emergency disaster, Governor Dunleavy signed Senate Bill 241 in law which, among other things, authorizes elections to be conducted by mail during the emergency disaster; and,

WHEREAS, on June 2, 2020, the KPB Assembly adopted KPB Ordinance No. 2020-24 providing for vote by mail elections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Repealing and Re-enacting Title 6 of the Kenai Municipal Code: That Kenai Municipal Code, Title 6 - Elections is hereby repealed and re-enacted as follows:

[CHAPTER 6.05  
VOTING QUALIFICATIONS AND PROCEDURES

SECTIONS:

- 6.05.010 QUALIFICATIONS FOR VOTERS.
- 6.05.020 REGISTRATION.
- 6.05.030 PRECINCT AND POLLING PLACE.
- 6.05.040 PRECINCT BOARD.
- 6.05.050 COMPENSATION OF ELECTION PERSONNEL.
- 6.05.060 WATCHERS.
- 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.
- 6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.
- 6.05.090 BALLOT BOXES, VOTING BOOTHS.
- 6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.
- 6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.
- 6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.
- 6.05.130 TIE VOTES.
- 6.05.140 ABSENTEE VOTING.
- 6.05.145 ABSENTEE VOTING IN PERSON.
- 6.05.150 ABSENTEE VOTING—APPLICATION.
- 6.05.160 ABSENTEE VOTING—BALLOTS.
- 6.05.170 ABSENTEE VOTING—BY MAIL.
- 6.05.180 VOTING—AUTHORIZED.
- 6.05.190 VOTING—BOARDS.
- 6.05.200 VOTING DEVICES AND MACHINES.
- 6.05.210 VOTING—TESTS AND SECURITY.
- 6.05.220 RECOUNT OF VOTES—APPLICATION.
- 6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.
- 6.05.240 ELECTION CONTESTS.
- 6.05.250 RULES AND REGULATIONS.
- 6.05.260 CITY ELECTION TIME.
- 6.05.270 OFFENSES AND PENALTIES.
- 6.05.280 RECORD RETENTION.
- 6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.
- 6.05.310 CASTING BALLOTS.

Ordinance No. 3127-2020

Page 3 of 37

- 6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.
- 6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.
- 6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.
- 6.05.340 STORING BALLOTS.

6.05.010 QUALIFICATIONS FOR VOTERS.

PERSONS WHO HAVE THE QUALIFICATIONS FOR VOTERS PRESCRIBED BY THE CITY CHARTER, SECTION 10-6, THE STATE CONSTITUTION, ARTICLE V, SECTIONS 1 AND 2, AND STATE LAW, SHALL BE QUALIFIED TO VOTE IN CITY ELECTIONS IF THEY ARE REGISTERED AS PROVIDED IN THIS TITLE. (KC 6-1)

6.05.020 REGISTRATION.

(A) THE ELECTION JUDGES SHALL KEEP AN ORIGINAL REGISTER ON WHICH EACH VOTER SHALL, BEFORE RECEIVING A BALLOT, SIGN THE VOTER'S NAME AND EITHER COMPLETE OR CORRECT BOTH THE VOTER'S RESIDENCE AND MAILING ADDRESSES. A RECORD SHALL BE KEPT ON THE REGISTER OF THE NAME OF EACH PERSON WHO OFFERED TO VOTE, BUT WAS REFUSED, AND A BRIEF STATEMENT OF THE BASIS OF THE REFUSAL. THE SIGNING OF THE REGISTER CONSTITUTES A DECLARATION BY THE VOTER THAT THE VOTER IS QUALIFIED TO VOTE.

(B) VOTERS MAY BE IDENTIFIED FROM SUCH REASONABLE SOURCES AS STATE VOTER REGISTRATION LISTS, BEING KNOWN TO THE ELECTION JUDGES AS RESIDENTS OF THE CITY OF KENAI, OR BY SUCH OTHER IDENTIFICATION AS IS ACCEPTED CUSTOMARILY FOR SCHEMES OF "PRE-REGISTRATION" QUALIFICATIONS.

(C) REGISTERS SIGNED BY VOTERS ON ELECTION DAY SHALL BE KEPT WITH THE RECORDS OF THAT ELECTION.

(D) AS USED IN THIS TITLE, "REGISTER" SHALL MEAN THE COMPUTER PRINTOUT ENTITLED "STATE OF ALASKA PRECINCT REGISTER" (OR ANY FORM SUBSEQUENTLY SUBSTITUTED THEREFOR) SUPPLIED BY THE DIVISION OF ELECTIONS OF THE STATE OF ALASKA FOR USE IN EACH PRECINCT.

(KC 6-9; ORDS. 193, 803)

6.05.030 PRECINCT AND POLLING PLACE.

(A) THE CITY OF KENAI SHALL BE COMPOSED OF SUCH ELECTION PRECINCTS AS MAY BE SET UP OR MODIFIED BY THE DIRECTOR OF ELECTIONS OF THE STATE OF ALASKA FOR ALL CITY ELECTIONS, BOTH REGULAR AND SPECIAL. THE POLLING PLACES WILL BE AS DESIGNATED BY THE STATE OF ALASKA, DIVISION OF ELECTIONS.

(B) CHANGES OF THE POLLING PLACES MAY BE ACCOMPLISHED BY THE COUNCIL BY MOTION, RESOLUTION, OR ORDINANCE.

(KC 6-12,13; ORDS. 159, 803, 1182)

6.05.040 PRECINCT BOARD.

(A) THERE SHALL BE ELECTION BOARDS FOR THE PRECINCTS IN THE CITY COMPOSED OF THREE (3) OR MORE JUDGES APPOINTED BY THE CITY COUNCIL. THE JUDGES SHALL BE QUALIFIED VOTERS OF THE CITY. THE CITY COUNCIL MAY DESIGNATE ONE OF THE JUDGES CHAIR OF THE BOARD, AND THE CHAIR SHALL BE PRIMARILY RESPONSIBLE FOR THE ADMINISTRATION OF THE ELECTION IN THE PRECINCT. THE CITY COUNCIL MAY ALSO APPOINT FROM AMONG THE QUALIFIED VOTERS OF THE CITY ONE (1) OR TWO (2) CLERKS WHERE IT DEEMS THEIR SERVICES ARE NECESSARY. THE CITY CLERK, AS THE ELECTION SUPERVISOR, MAY APPOINT NOT MORE THAN FOUR (4) ELECTION CLERKS FROM AMONG THE QUALIFIED VOTERS

Ordinance No. 3127-2020

Page 4 of 37

OF THE CITY AT ANY POLLING PLACE WHERE THEY ARE NEEDED TO CONDUCT AN ORDERLY ELECTION AND TO RELIEVE THE ELECTION JUDGES OF UNDUE HARDSHIP IF HE OR SHE THINKS THEY ARE NEEDED AND IF THE CITY COUNCIL AUTHORIZES IT.

(B) ALL CITY ELECTION PERSONNEL SHALL BE APPOINTED WITHOUT REGARD TO THEIR MEMBERSHIP IN ANY POLITICAL PARTY.

(C) ALL ELECTION JUDGES AND CLERKS, BEFORE ENTERING UPON THEIR DUTIES, MUST SUBSCRIBE TO THE OATH REQUIRED OF ALL PUBLIC OFFICERS BY THE CONSTITUTION OF THE STATE OF ALASKA IN THE MANNER PRESCRIBED BY THE CLERK. IF ANY APPOINTED ELECTION OFFICIAL IS NOT ABLE OR REFUSES TO SERVE ON ELECTION DAY, THE CLERK MAY APPOINT A REPLACEMENT FOR THAT OFFICIAL.

(D) CANDIDATES SHALL NOT SERVE AS ELECTION OFFICIALS. CERTAIN FAMILIAL RELATIONSHIPS MAY NOT EXIST BETWEEN A CANDIDATE AND A PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF A BALLOT COUNTING TEAM IN REGULAR OR SPECIAL ELECTIONS. THOSE FAMILIAL RELATIONSHIPS ARE:

- (1) MOTHER, MOTHER-IN-LAW, STEPMOTHER;
- (2) FATHER, FATHER-IN-LAW, STEPFATHER;
- (3) SISTER, SISTER-IN-LAW, STEPSISTER;
- (4) BROTHER, BROTHER-IN-LAW, STEPBROTHER;
- (5) SPOUSE; OR
- (6) PERSON SHARING THE SAME LIVING QUARTERS.

(E) IF THE ELECTION SUPERVISOR KNOWS OR LEARNS ANY OF THESE RELATIONSHIPS EXIST, THE PRECINCT ELECTION JUDGE, ELECTION CLERK, OR MEMBER OF THE BALLOT COUNTING TEAM SHALL BE NOTIFIED AND THE PERSON REPLACED.

(KC 6-12,13; ORDS. 159, 2108-2005)

#### 6.05.050 COMPENSATION OF ELECTION PERSONNEL.

(A) THE CITY SHALL PAY ALL NECESSARY EXPENSES RELATING TO THE CONDUCT OF EACH CITY ELECTION, INCLUDING THOSE OF SECURITY POLLING PLACES, AND SHALL PROVIDE BALLOT BOXES, BALLOTS, VOTING BOOTHS OR SCREENS, NATIONAL FLAGS, AND OTHER SUPPLIES AND ANY WAGES TO ELECTION OFFICIALS UNLESS OTHERWISE PROVIDED BY THIS CODE.

(B) THE CITY SHALL PAY EACH ELECTION BOARD MEMBER AND CANVASS BOARD MEMBER AN HOURLY RATE FOR TIME SPENT AT HIS OR HER ELECTION DUTIES, INCLUDING THE RECEIVING OF INSTRUCTIONS AND POSTING OF NOTICES. THE ELECTION SUPERVISOR SHALL SET THE HOURLY COMPENSATION TO BE PAID FOR TIME SPENT BY ELECTION OFFICIALS AT A RATE COMPARABLE TO THAT PAID BY THE STATE FOR STATE ELECTIONS. THE CLERK SHALL RETAIN A RECORD FOR AUDITING AND PAYMENT OF ELECTION EXPENSES, INCLUDING THE COST OF GIVING NOTICE, RENTING POLLING PLACES, PAYING ELECTION OFFICIALS, SECURITY BALLOT BOXES, BOOTHS AND OTHER ELECTION NECESSITIES.

(KC 6-14; ORD. 2108-2005)

#### 6.05.060 WATCHERS.

ANY CANDIDATE FOR ELECTIVE CITY OFFICE MAY APPOINT A WATCHER FOR THE PRECINCT. STATE LAW RELATING TO WATCHERS IN STATE ELECTIONS SHALL GOVERN WATCHERS IN CITY ELECTIONS INSOFAR AS IT IS APPLICABLE. (KC 6-15)

#### 6.05.070 CITY CLERK TO SUPERVISE CITY ELECTIONS.

THE CITY CLERK, UNDER DIRECTION OF THE CITY COUNCIL AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, IS THE ELECTION SUPERVISOR FOR AND SHALL ADMINISTER ALL CITY ELECTIONS. (KC 6-16; ORD. 2108-2005)

6.05.080 CITY CLERK TO PREPARE AND FURNISH BALLOTS.

(A) THE CITY CLERK SHALL PREPARE AND FURNISH ALL OFFICIAL BALLOTS IN CITY ELECTIONS. THE PROVISIONS OF STATE LAW RELATING TO THE PREPARATION AND FURNISHING OF BALLOTS IN STATE ELECTIONS SHALL GOVERN THE PREPARATION AND FURNISHING OF BALLOTS IN CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT IN CONFLICT WITH THE CITY CHARTER OR ORDINANCE; AND THE CITY CLERK SHALL PERFORM THE FUNCTIONS IN REGARD THERETO PRESCRIBED BY LAW FOR THE DIRECTOR OF ELECTIONS IN REGARD THERETO IN STATE ELECTIONS INsofar AS IT IS APPROPRIATE.

(B) AT THE TIME OF PREPARING, THE BALLOTS MAY BE INSPECTED BY ANY CANDIDATE WHOSE NAME IS ON THE BALLOT, OR BY HIS OR HER AUTHORIZED AGENT, AND ANY DISCOVERED MISTAKE SHALL BE CORRECTED IMMEDIATELY.

(C) THE CITY CLERK SHALL PROVIDE TINTED SAMPLE BALLOTS, OATHS OF OFFICE OF JUDGES, QUESTIONED OATHS, TALLY SHEETS WHEN REQUIRED, INSTRUCTIONS TO VOTERS, WARNING NOTICES, AND OTHER FORMS AND SUPPLIES REQUIRED FOR CITY ELECTIONS; AND HE OR SHE SHALL GIVE THE DUPLICATE REGISTRATION INDEX AND AN ADEQUATE SUPPLY OF OFFICIAL BALLOTS, SAMPLE BALLOTS, AND ALL OTHER NECESSARY SUPPLIES AND MATERIALS TO THE CHAIRS OF THE PRECINCT ELECTION BOARDS IN ADEQUATE TIME BEFORE A CITY ELECTION.

(KC 6-17; ORDS. 803, 941, 1652-95, 2108-2005)

6.05.090 BALLOT BOXES, VOTING BOOTHS.

THE CITY CLERK SHALL PROVIDE SUITABLE BALLOT BOXES AND AN ADEQUATE NUMBER OF VOTING BOOTHS OR SCREENS. REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS, RELATING TO POLLING PLACES, BALLOT BOXES, VOTING BOOTHS, SCREENS, FLAGS, AND SUPPLIES FOR STATE ELECTIONS, SHALL GOVERN THESE MATTERS IN RELATION TO CITY ELECTIONS INsofar AS THEY ARE APPLICABLE AND ARE NOT SUPERSEDED BY ORDINANCE. (KC 6-18; ORD. 803)

6.05.100 NOTICE OF ELECTIONS—REGULAR AND SPECIAL.

(A) AT LEAST TEN (10) DAYS BEFORE EVERY CITY ELECTION, REGULAR OR SPECIAL, THE CITY CLERK SHALL CAUSE TO BE PUBLISHED BY POSTING ON THE OFFICIAL CITY BULLETIN BOARD IN OR ON THE CITY ADMINISTRATION BUILDING AND IN TWO (2) OTHER PLACES IN THE CITY, OR IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, A NOTICE OF SUCH ELECTION. THE NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

- (1) THE DATE OF THE ELECTION;
- (2) TIME DURING WHICH THE POLLING PLACE WILL BE OPEN;
- (3) THE LOCATION OF THE POLLING PLACE;
- (4) OFFICES TO WHICH CANDIDATES ARE TO BE ELECTED (IF ANY);
- (5) AND THE SUBJECTS OF THE PROPOSITIONS AND QUESTIONS WHICH ARE TO BE SUBMITTED TO THE VOTERS AT THE ELECTION (IF ANY).

(B) FAILURE TO PUBLISH SUCH A NOTICE OF AN ELECTION SHALL NOT AFFECT THE VALIDITY OF THE ELECTION OR OF THE VOTE FOR ANY CANDIDATE OR ON ANY PROPOSAL; BUT, IF CAUSED BY THE CITY CLERK, SHALL CONSTITUTE FAILURE TO PERFORM HIS OR HER OFFICIAL DUTIES.

(C) IN ADDITION TO THE ABOVE NOTICE, THE CITY CLERK SHALL PUBLISH IN FULL EVERY CHARTER AMENDMENT, EVERY ORDINANCE, AND EVERY OTHER QUESTION WHICH IS TO BE SUBMITTED AT AN ELECTION, EXCEPT A REFERRED ORDINANCE WHICH WAS PUBLISHED IN FULL AFTER PASSAGE, NOT MORE THAN FOUR (4) WEEKS

Ordinance No. 3127-2020

Page 6 of 37

AND AT LEAST TWO (2) WEEKS BEFORE THE ELECTION IN ACCORDANCE WITH THE CITY CHARTER, SECTIONS 1-7(4) AND 10-8.

(KC 6-19)

6.05.110 CONDUCTING AN ELECTION—CANVASSING RETURNS.

ALASKA STATUTES, CHAPTERS 15.15 THROUGH 15.20 AND ANY AMENDMENTS THERETO, SHALL APPLY TO THE CITY ELECTIONS INsofar AS THEY DO NOT CONFLICT WITH SPECIFIC CITY ORDINANCES. THE PRECINCT ELECTION BOARDS SHALL DELIVER TO THE CITY CLERK ONE (1) COPY OF THE CERTIFICATE WITH THE RESULTS OF THE VOTE IN THE PRECINCT, THE REGISTERS SIGNED BY PERSONS VOTING, ALL BALLOTS CAST, ALL BALLOTS IMPROPERLY MARKED, DAMAGED OR UNLAWFULLY EXHIBITED, AND ALL OATHS, AFFIRMATIONS AND AFFIDAVITS TO THE COUNCIL AS PROVIDED BY KMC 6.05.130. THE CHAIR OF EACH PRECINCT ELECTION BOARD SHALL RETAIN POSSESSION OF A DUPLICATE COPY OF THE RESULTS, WHICH COPY MAY BE DESTROYED BY EACH CHAIR TWENTY (20) DAYS AFTER THE ELECTION UNLESS THE CITY CLERK OR THE CITY COUNCIL REQUESTS ITS DELIVERY. (ORDS. 193, 803, 881, 1788-98, 2556-2011)

6.05.120 ESTABLISHMENT OF CANVASSING BOARD AND PROCEDURES.

(A) PURSUANT TO THE PROVISIONS OF SECTION 10-9 OF THE CHARTER OF THE CITY OF KENAI, THERE IS HEREBY ESTABLISHED A CANVASSING BOARD FOR THE CANVASSING OF ALL CITY ELECTIONS; REGULAR AND SPECIAL, AND TO ASCERTAIN AND DECLARE THE RESULTS THEREOF, AS FOLLOWS:

(1) THE CITY CLERK IS HEREBY DESIGNATED AS THE CHAIR OF THE CANVASSING BOARD.

(2) THE CANVASSING BOARD SHALL CONSIST OF THE CITY CLERK, CHAIR OF EACH PRECINCT ELECTION BOARD WITHIN THE CITY, AND UP TO FIVE (5) ADDITIONAL JUDGES SELECTED FROM AMONG THE QUALIFIED VOTERS OF THE CITY. IN THE EVENT ANY SUCH APPOINTED MEMBER OF THE BOARD IS ABSENT FROM THE CITY, ILL, OR OTHERWISE UNABLE TO ATTEND AT THE TIME SET FOR CANVASSING THE BALLOT, THE CITY CLERK IS HEREBY AUTHORIZED TO APPOINT ANOTHER ELECTION JUDGE FROM THE SAME PRECINCT TO SUBSTITUTE FOR THE APPOINTED MEMBER.

(B) THE CANVASSING BOARD SHALL MEET IN PUBLIC SESSION ON THE TUESDAY FOLLOWING EVERY CITY ELECTION, REGULAR OR SPECIAL, AT 8:30 A.M. AND, IF NECESSARY, CONTINUE THROUGH THE FOLLOWING DAY AND SHALL PROMPTLY PROCEED TO CANVASS THE RETURNS OF SAID ELECTION, MAKING DECISIONS AS TO VALIDITY OF QUESTIONED BALLOTS, COUNTING ABSENTEE BALLOTS, AND ASCERTAINING AND DECLARING THE RESULTS OF SAID ELECTION. THE CANVASS OF THE BALLOT VOTE COUNTED BY THE PRECINCT ELECTION BOARDS SHALL BE ACCOMPLISHED BY REVIEWING THE TALLIES OF THE RECORDED VOTE TO CHECK FOR MATHEMATICAL ERROR BY COMPARING TOTALS WITH THE PRECINCT'S CERTIFICATE OF RESULTS. ALL OBVIOUS ERRORS FOUND BY THE ELECTION CANVASS IN THE TRANSFER OF TOTALS FROM THE PRECINCT TALLY SHEETS TO THE PRECINCT CERTIFICATE OF RESULTS SHALL BE CORRECTED BY THE CANVASSING BOARD. A MISTAKE THAT HAS BEEN MADE IN PRECINCT RETURNS, AND THAT IS NOT CLEARLY AN ERROR IN THE TRANSFER OF THE RESULTS FROM THE TALLIES TO THE CERTIFICATE OF RESULTS, EMPOWERS THE CANVASSING BOARD TO RECOMMEND A RECOUNT OF THE RESULTS OF THE PRECINCT OR PRECINCTS FOR THAT PORTION OF THE RETURNS IN QUESTION.

(C) IN ORDER TO BE COUNTED, ABSENTEE BALLOTS THAT ARE MAILED MUST BE MAILED ON OR BEFORE THE DATE OF THE ELECTION, AND IF THE ENVELOPE



Ordinance No. 3127-2020

Page 7 of 37

CONTAINING THE BALLOT IS POSTMARKED, THE POST MARK DATE MUST BE ON OR BEFORE THE DATE OF ELECTION, AND SAID BALLOT MUST BE RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED BY UNITED STATES POSTAL SERVICE WITHOUT A POSTMARK SHALL BE COUNTED, PROVIDED THE BALLOT ENVELOPE MEETS ALL OTHER REQUIREMENTS (SIGNATURES, REGISTRATION, ETC.) AND THE RECEIPT BY THE CITY INDICATES THE BALLOT WAS MAILED ON OR BEFORE THE DATE OF THE ELECTION AND THE BALLOT WAS RECEIVED IN THE CITY OF KENAI'S MAIL BY NOON ON THE SEVENTH (7TH) DAY AFTER THE ELECTION.

(D) THE CITY CLERK, AS CHAIR OF THE CANVASSING BOARD, SHALL REPORT THE RESULTS OF THE ELECTION TO THE CITY COUNCIL AS THE FIRST ORDER OF BUSINESS FOLLOWING THE ROLL CALL AT THE NEXT REGULAR COUNCIL MEETING FOLLOWING THE MEETING OF THE CANVASSING BOARD.

(KC 6-12; ORDS. 707, 1652-95, 2108-2005, 2488-2010, 2556-2011)

6.05.130 TIE VOTES.

IN CASE OF FAILURE TO ELECT BECAUSE OF A TIE VOTE, THE COUNCIL SHALL IMMEDIATELY PROCEED TO RECOUNT THE VOTES. IF THERE IS STILL A FAILURE TO ELECT BECAUSE OF A TIE AFTER COMPLETION OF THE RECOUNT, THE ELECTION SHALL BE DETERMINED FAIRLY BY LOT FROM AMONG THE CANDIDATES TYING, IN A MEETING OF THE COUNCIL AND UNDER ITS DIRECTION, IN ACCORDANCE WITH THE CITY CHARTER, SECTION 10-4. (KC 6-22)

6.05.140 ABSENTEE VOTING.

ANY QUALIFIED VOTER WHO MAY SECURE AND CAST AN ABSENTEE BALLOT IN A STATE ELECTION MAY SECURE AND CAST AN ABSENTEE BALLOT IN A CITY ELECTION. THE CITY CLERK SHALL SUPERVISE ABSENTEE VOTING, AND SHALL ISSUE NECESSARY INSTRUCTIONS REGARDING THE PROCEDURE FOR ABSENTEE VOTING TO QUALIFIED APPLICANTS FOR ABSENTEE BALLOTS. THE CITY CLERK SHALL PROVIDE THE ABSENTEE BALLOTS, THE SECRECY ENVELOPES FOR THE BALLOTS, AND THE POSTAGE-PAID RETURN ENVELOPES THEREFOR, AND ANY OTHER FORMS AND SUPPLIES REQUIRED FOR THE USE OF ABSENTEE VOTERS. (KC 6-23; ORD. 2488-2010)

6.05.145 ABSENTEE VOTING IN PERSON.

(A) A QUALIFIED VOTER MAY APPLY IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE CITY CLERK DURING REGULAR OFFICE HOURS, OR THE VOTER MAY APPLY TO THE BOROUGH CLERK'S OFFICE OR ABSENTEE VOTING OFFICIAL IN HIS OR HER AREA DURING REGULAR OFFICE HOURS.

(B) ON RECEIPT OF AN APPLICATION IN PERSON FOR AN ABSENTEE BALLOT AND EXHIBITION OF PROOF OF IDENTIFICATION AS REQUIRED IN THIS TITLE, THE CLERK SHALL ISSUE THE BALLOT TO THE APPLICANT.

(C) THE VOTER SHALL PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SMALL ENVELOPE, TO PLACE THE SMALL ENVELOPE IN THE LARGER ENVELOPE IN THE PRESENCE OF THE ELECTION OFFICIAL WHO SHALL SIGN AS ATTESTING OFFICIAL AND DATE OF HIS OR HER SIGNATURE. THE ELECTION OFFICIAL SHALL THEN ACCEPT THE BALLOT.

(D) THE ELECTION OFFICIAL MAY NOT ACCEPT A MARKED BALLOT THAT HAS BEEN EXHIBITED BY AN ABSENTEE VOTER WITH INTENT TO INFLUENCE OTHER VOTERS. IF THE ABSENTEE VOTER IMPROPERLY MARKS OR OTHERWISE DAMAGES A BALLOT, THE VOTER MAY REQUEST, AND THE ELECTION OFFICIAL SHALL PROVIDE HIM OR

Ordinance No. 3127-2020

Page 8 of 37

HER WITH ANOTHER BALLOT UP TO A MAXIMUM OF THREE (3). EXHIBITED, IMPROPERLY MARKED, OR DAMAGED BALLOTS SHALL BE DESTROYED. THE NUMBERS OF ALL BALLOTS DESTROYED SHALL BE NOTED ON THE BALLOT STATEMENT.

(E) EACH ABSENTEE VOTING OFFICIAL SHALL KEEP A RECORD OF THE NAMES AND THE SIGNATURES OF VOTERS WHO CAST ABSENTEE BALLOTS BEFORE HIM OR HER AND THE DATES ON WHICH THE BALLOTS WERE CAST.

(ORD. 1799-98)

6.05.150 ABSENTEE VOTING—APPLICATION.

ANY QUALIFIED VOTER WHO IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT MAY APPLY TO THE CITY CLERK IN PERSON, BY A PERSONAL REPRESENTATIVE, BY MAIL, OR BY ELECTRONIC TRANSMISSION, FOR AN ABSENTEE BALLOT. AN APPLICATION FOR AN ABSENTEE BALLOT RECEIVED BY THE CITY BY MAIL OR ELECTRONIC TRANSMISSION SHALL INCLUDE THE NAME OF THE APPLICANT AND BOTH THE LOCATION, I.E., ELECTRONIC, FACSIMILE, OR MAILING ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED AND HIS OR HER FULL RESIDENTIAL ADDRESS IN THE CITY. THE DATES FOR MAKING SUCH APPLICATIONS FOR ABSENTEE BALLOTS IN CITY ELECTIONS SHALL BE NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE ELECTION. THE CITY CLERK SHALL FOLLOW THE PROCEDURE PRESCRIBED BY STATE LAW FOR ELECTION OFFICIALS IN DETERMINING WHETHER AN APPLICANT IS ENTITLED TO SECURE AND CAST AN ABSENTEE BALLOT. (KC 6-24; ORDS. 1652-95, 2556-2011)

6.05.160 ABSENTEE VOTING—BALLOTS.

VOTERS CASTING ABSENTEE BALLOTS SHALL MARK THE BALLOT, PLACE THE BALLOT IN THE SECRECY ENVELOPE AND THEN PLACE THE SECRECY ENVELOPE WITH THE MARKED BALLOT INSIDE THE POSTAGE-PAID RETURN ENVELOPE, AND RETURN THE DOCUMENTS TO THE CITY CLERK IN THE SAME MANNER AND UNDER THE SAME REGULATIONS, AS NEARLY AS MAY BE, AS REQUIRED BY LAW IN STATE ELECTIONS. (KC 6-25; ORD. 2488-2010)

6.05.170 ABSENTEE VOTING—BY MAIL.

(A) A QUALIFIED VOTER MAY APPLY FOR AN ABSENTEE BALLOT BY MAIL IF THE APPLICATION IS POSTMARKED NOT EARLIER THAN THE FIRST OF THE YEAR IN WHICH THE ELECTION IS TO BE HELD NOR LESS THAN SEVEN (7) DAYS BEFORE AN ELECTION. A VOTER MAY REQUEST HIS OR HER NAME BE PLACED ON PERMANENT ABSENTEE BY MAIL STATUS. THE APPLICATION SHALL INCLUDE THE ADDRESS TO WHICH THE ABSENTEE BALLOT IS TO BE RETURNED, THE APPLICANT'S FULL ALASKA RESIDENCE ADDRESS, AND THE APPLICANT'S SIGNATURE.

(B) AFTER RECEIPT OF AN APPLICATION BY MAIL, THE CITY CLERK SHALL SEND THE ABSENTEE BALLOT AND OTHER ABSENTEE VOTING MATERIAL TO THE APPLICANT BY FIRST CLASS MAIL. THE MATERIALS SHALL BE SENT AS SOON AS THEY ARE READY FOR DISTRIBUTION. THE POSTAGE PAID RETURN ENVELOPE SENT WITH THE MATERIALS SHALL BE ADDRESSED TO THE CITY CLERK.

(C) UPON RECEIPT OF AN ABSENTEE BALLOT BY MAIL, THE VOTER, IN THE PRESENCE OF A NOTARY PUBLIC, COMMISSIONED OFFICER OF THE ARMED FORCES INCLUDING THE NATIONAL GUARD, DISTRICT JUDGE OR MAGISTRATE, UNITED STATES POSTAL OFFICIAL, OR OTHER PERSON QUALIFIED TO ADMINISTER OATHS, MAY PROCEED TO MARK THE BALLOT IN SECRET, TO PLACE THE BALLOT IN THE SECRECY ENVELOPE, TO PLACE THE SECRECY ENVELOPE IN THE POSTAGE PAID ENVELOPE, AND TO SIGN THE VOTER'S CERTIFICATE ON THE BACK OF THE

Ordinance No. 3127-2020

Page 9 of 37

POSTAGE-PAID RETURN ENVELOPE IN THE PRESENCE OF AN OFFICIAL LISTED IN THIS SUBSECTION WHO SHALL SIGN AS ATTESTING OFFICIAL AND SHALL DATE HIS OR HER SIGNATURE. IF NONE OF THE OFFICIALS LISTED IN THIS SUBSECTION ARE REASONABLY ACCESSIBLE, AN ABSENTEE VOTER SHALL HAVE THE BALLOT WITNESSED BY A PERSON OVER THE AGE OF EIGHTEEN (18) YEARS.

(D) AN ABSENTEE BALLOT MUST BE MARKED AND ATTESTED ON OR BEFORE THE DATE OF THE ELECTION. IF THE VOTER RETURNS THE BALLOT BY MAIL, HE OR SHE SHALL USE A MAIL SERVICE AT LEAST EQUAL TO FIRST CLASS AND MAIL THE BALLOT NOT LATER THAN THE DAY OF THE ELECTION TO THE CITY CLERK. THE BALLOT ENVELOPE MUST BE POSTMARKED ON OR BEFORE MIDNIGHT OF ELECTION DAY AND RECEIVED BY THE CITY CLERK NO LATER THAN NOON ON THE SEVENTH DAY AFTER THE ELECTION. BALLOT ENVELOPES RECEIVED AFTER THAT TIME SHALL NOT BE OPENED BUT SHALL BE MARKED "INVALID," WITH THE DATE OF RECEIPT NOTED THEREON, AND SHALL BE PRESERVED WITH OTHER BALLOTS OF THE ELECTION.

(E) THE CITY CLERK MAY REQUIRE A VOTER CASTING AN ABSENTEE BALLOT BY MAIL TO PROVIDE PROOF OF IDENTIFICATION OR OTHER INFORMATION TO AID IN THE ESTABLISHMENT OF HIS OR HER IDENTITY.

(F) THE CITY CLERK SHALL MAINTAIN A RECORD OF THE NAME OF EACH VOTER TO WHOM AN ABSENTEE BALLOT IS SENT BY MAIL. THE RECORD MUST LIST THE DATE ON WHICH THE BALLOT IS MAILED AND THE DATE ON WHICH THE BALLOT IS RECEIVED BY THE CITY CLERK AND THE DATES ON WHICH THE BALLOT WAS EXECUTED AND POSTMARKED.

(ORDS. 2488-2010, 2556-2011)

6.05.180 VOTING—AUTHORIZED.

THE ELECTION OFFICIAL MAY PROVIDE FOR VOTING AT ONE (1) OR MORE VOTING PLACES FOR ONE (1) OR MORE QUESTIONS OR OFFICES ON A BALLOT. (ORDS. 881, 1788-98)

6.05.190 VOTING—BOARDS.

THE ELECTION OFFICIAL SHALL APPOINT A RECEIVING BOARD AND A DATA PROCESSING CONTROL BOARD, EACH CONSISTING OF THREE (3) MEMBERS. THE ELECTION OFFICIAL SHALL APPOINT A CHAIR OF EACH BOARD AND ADMINISTER THE OATH PRESCRIBED FOR ELECTION JUDGES TO BOTH CHAIR WHO SHALL ADMINISTER THE OATH TO THE REMAINING MEMBERS OF THEIR RESPECTIVE BOARDS. A VACANCY ON A BOARD SHALL BE FILLED BY THE ELECTION OFFICIAL. (ORDS. 881, 1788-98)

6.05.200 VOTING DEVICES AND MACHINES.

(A) VOTING DEVICES AND MACHINES WILL BE USED FOR ALL REGULAR AND SPECIAL ELECTIONS UNLESS DETERMINED NOT TO BE PRACTICAL BY THE CLERK. THE LAWS OF THE STATE CONCERNING VOTING DEVICES AND MACHINES ARE INCORPORATED IN THIS CHAPTER AS IF FULLY SET OUT IN THIS CHAPTER EXCEPT FOR PROVISIONS IN CONFLICT WITH THIS CHAPTER.

(B) THE ELECTION OFFICIAL SHALL DESIGNATE THE COMPUTERS TO BE USED IN COUNTING THE BALLOTS AND MAY NEGOTIATE AND CONTRACT WITH THE KENAI PENINSULA BOROUGH OR A PRIVATE COMPUTER SERVICE FOR THE NEEDED COMPUTER SERVICES.

(ORDS. 881, 941, 1788-98)

6.05.210 VOTING—TESTS AND SECURITY.

NO LATER THAN ONE (1) WEEK BEFORE THE ELECTION, THE COMPUTER VOTE COUNTING PROGRAM MUST BE TESTED IN THE PRESENCE OF, AND TO THE SATISFACTION OF, THE DATA PROCESSING CONTROL BOARD. (ORDS. 881, 1788-98)

6.05.220 RECOUNT OF VOTES—APPLICATION.

(A) ANY DEFEATED CANDIDATE OR ANY TEN (10) QUALIFIED VOTERS, WHO BELIEVE THAT A MISTAKE HAS BEEN MADE BY AN ELECTION OFFICIAL OR BY THE COUNCIL IN COUNTING THE VOTES IN ANY ELECTION, MAY MAKE AN APPLICATION IN WRITING TO THE COUNCIL FOR A RECOUNT OF THE VOTES FROM THE PRECINCT FOR ANY PARTICULAR OFFICE OR ON ANY PARTICULAR QUESTION. THE APPLICATION MUST BE FILED WITH THE MAYOR, THE CITY CLERK, OR IN THE OFFICE OF THE CITY CLERK WITHIN TWENTY-FOUR (24) HOURS, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY AFTER THE COUNCIL DECLARES THE RESULTS OF THE VOTE BEING QUESTIONED. IN CASE OF A TIE VOTE BETWEEN TWO (2) OR MORE CANDIDATES, THE COUNCIL SHALL RECOUNT THE VOTES WITHOUT AN APPLICATION THEREFOR.

(B) THE PERSON OR PERSONS APPLYING FOR A RECOUNT SHALL DEPOSIT ONE HUNDRED DOLLARS (\$100.00) IN CASH, BY CERTIFIED CHECK, OR BY BOND WITH SURETY APPROVED BY THE COUNCIL, EXCEPT IN THE CASE OF A TIE VOTE FOR CANDIDATES (WHEN NO DEPOSIT SHALL BE REQUIRED). IF ON THE RECOUNT A CANDIDATE OTHER THAN THE CANDIDATE WHO WAS FIRST DECLARED ELECTED IS DECLARED ELECTED, OR IF THE RESULT OF THE VOTE ON A QUESTION IS REVERSED, OR IF THE VOTE ON RECOUNT IS DETERMINED TO BE FOUR PERCENT (4%) OR MORE IN EXCESS OF THE VOTE REPORTED AFTER THE FIRST CANVASS FOR THE CANDIDATE APPLYING FOR THE RECOUNT OR IN FAVOR OF THE OPPOSED TO THE QUESTION STATED IN THE APPLICATION, THE DEPOSIT SHALL BE REFUNDED; OTHERWISE, IT SHALL BE PLACED IN THE GENERAL FUND OF THE CITY.

(C) THE COUNCIL SHALL BEGIN THE RECOUNT WITHIN FORTY-EIGHT (48) HOURS AFTER RECEIVING THE APPLICATION, EXCLUDING ANY SATURDAY, SUNDAY, OR HOLIDAY, SHALL PROCEED WITH IT AS FAST AS PRACTICABLE, AND, SHALL DECLARE THE RESULTS THEREOF. THE CITY CLERK SHALL PROMPTLY ISSUE ANOTHER ELECTION CERTIFICATE IF A CHANGE IN THE RESULTS REQUIRE IT.  
(KC 6-27; ORD. 2108-2005)

6.05.230 APPEAL TO THE COURTS AFTER RECOUNT.

ANY CANDIDATE OR A MAJORITY OF THE PERSONS WHO REQUESTED A RECOUNT WHO HAVE REASON TO BELIEVE THAT AN ERROR HAS BEEN MADE IN THE RECOUNT INVOLVING ANY CANDIDATE OR QUESTION, MAY APPEAL TO THE SUPERIOR COURT IN ACCORDANCE WITH APPLICABLE COURT RULES GOVERNING APPEALS IN CIVIL MATTERS. THE FILING OF THE APPEAL AND THE PROCEEDINGS SHALL BE, AS NEARLY AS MAY BE, AS IN CASE OF SUCH AN APPEAL MADE AFTER A RECOUNT IN A STATE ELECTION. (KC 6-28)

6.05.240 ELECTION CONTESTS.

ANY DEFEATED CANDIDATE OR TEN (10) QUALIFIED VOTERS, BY ACTION BROUGHT IN THE SUPERIOR COURT, MAY CONTEST THE ELECTION OF ANY PERSON OR THE APPROVAL OR REJECTION OF ANY QUESTION UPON THE SAME GROUNDS AND IN THE SAME MANNER, AS NEARLY AS MAY BE, AS IN ELECTION CONTESTS ARISING OUT OF STATE ELECTIONS. THE CITY CLERK SHALL PROMPTLY ISSUE ANY NEW ELECTION CERTIFICATE REQUIRED TO REFLECT THE JUDGMENT OF THE COURT. (KC 6-29)

6.05.250 RULES AND REGULATIONS.

RULES AND REGULATIONS MADE BY THE DIRECTOR OF ELECTIONS PURSUANT TO LAW REGULATING STATE ELECTIONS SHALL ALSO APPLY TO CITY ELECTIONS INSOFAR AS THEY ARE APPLICABLE. THE CITY CLERK SHALL HAVE THE POWERS AND DUTIES PRESCRIBED FOR THE DIRECTOR OF ELECTIONS IN SAID RULES AND REGULATIONS, WITH REGARD TO CITY ELECTIONS, INSOFAR AS IT WOULD BE APPROPRIATE IN CITY ELECTIONS. (KC 6-31; ORD. 803)

6.05.260 CITY ELECTION TIME.

NOTHING IN THIS CHAPTER SHALL PROHIBIT HOLDING A CITY ELECTION ON THE SAME DAY AND BY THE SAME ELECTION PERSONNEL AS A STATE, BOROUGH, OR OTHER PUBLIC ELECTION, OR SUBMITTING A CITY QUESTION AT SUCH AN ELECTION, AS AUTHORIZED BY THE CITY CHARTER, SECTION 10-8. (KC 6-32)

6.05.270 OFFENSES AND PENALTIES.

(A) IT IS UNLAWFUL FOR ANY PERSON, FIRM, OR CORPORATION TO DO ANY OF THE FOLLOWING ACTS, AND ANY PERSON, FIRM, OR CORPORATION WHO DOES ANY OF THE FOLLOWING ACTS SHALL BE GUILTY OF A VIOLATION:

- (1) DIRECTLY OR INDIRECTLY USES OR THREATENS TO USE FORCE, COERCION, VIOLENCE, RESTRAINT, INFLICTS, OR THREATENS TO INFLICT DAMAGE, HARM, OR LOSS UPON OR AGAINST ANY PERSON TO INDUCE OR COMPEL THE PERSON TO VOTE OR REFRAIN FROM VOTING FOR ANY CANDIDATE IN ANY ELECTION OR FOR ANY ELECTION PROPOSITION OR QUESTION.
- (2) GIVES OR PROMISES TO GIVE, OR OFFERS ANY MONEY OR VALUABLE THING TO ANY PERSON, WITH THE INTENT TO INDUCE HIM OR HER TO VOTE FOR OR RESTRAIN HIM OR HER FROM VOTING FOR ANY CANDIDATE AT ANY ELECTION OR ANY ELECTION PROPOSITION OR QUESTION.
- (3) KNOWINGLY PRINTS OR CIRCULATES, OR CAUSES TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, POSTER, OR OTHER PUBLICATION RELATING TO ANY ELECTION OR TO ANY CANDIDATE AT ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION WITHOUT THE SAME BEARING ON ITS FACE THE NAME AND ADDRESS OF THE AUTHOR, PRINTER, AND PUBLISHER THEREOF.
- (4) WRITES, PRINTS, OR CIRCULATES, OR WHO SHALL CAUSE TO BE WRITTEN, PRINTED, OR CIRCULATED, ANY LETTER, CIRCULAR, BILL, PLACARD, OR POSTER, OR WHO CAUSES ANY PAID ADVERTISEMENT TO BE PLACED IN A NEWSPAPER OR ANY OTHER PUBLICATION, OR WHO PAYS OR CONTRIBUTES TO THE PAYMENT FOR ANY SUCH ADVERTISEMENT, OR WHO MAKES ANY RADIO BROADCAST, WILLFULLY KNOWING THE LETTER, CIRCULAR, BILL, PLACARD, POSTER, PUBLICATION, PAID ADVERTISEMENT, OR RADIO BROADCAST TO CONTAIN ANY FALSE STATEMENT, CHARGE, OR COMMENT RELATING TO ANY CANDIDATE TO ANY ELECTION OR TO ANY ELECTION PROPOSITION OR QUESTION.
- (5) HAS IN HIS OR HER POSSESSION OUTSIDE OF THE VOTING ROOM ANY OFFICIAL BALLOT, PROVIDED THAT THIS SHALL NOT APPLY TO ELECTION OFFICIALS OR OTHER PROPERLY AUTHORIZED PERSONS HAVING SUCH POSSESSION IN LINE OF DUTY.
- (6) MAKES OR KNOWINGLY HAS IN HIS OR HER POSSESSION ANY COUNTERFEIT OF AN OFFICIAL BALLOT.
- (7) REFUSES TO ALLOW AN EMPLOYEE REASONABLE TIME OFF FOR THE PURPOSE OF VOTING WHEN THE EMPLOYEE DOES NOT HAVE A REASONABLE

AMOUNT OF TIME TO VOTE BEFORE OR AFTER WORK, OR WHO, AFTER ALLOWING THE TIME OFF, DEDUCTS THE TIME FROM THE COMPENSATION OF THE EMPLOYEE.

(8) BEING AN ELECTION OFFICIAL WHILE THE POLLS ARE OPEN, OPENS ANY BALLOT RECEIVED FROM A VOTER AT AN ELECTION, OR MARKS A BALLOT BY FOLDING OR OTHERWISE SO AS TO BE ABLE TO RECOGNIZE IT, OR OTHERWISE ATTEMPTS TO LEARN HOW ANY VOTER MARKED HIS OR HER BALLOT, OR ALLOWS THE SAME TO BE DONE BY ANY OTHER PERSON.

(9) WRITES, PRODUCES, OR ASSISTS IN WRITING OR PRODUCING ANY PUBLISHED LETTER, CIRCULAR, POSTER, BILL, PUBLICATION, OR PLACARD, KNOWING THAT IT CONTAINS ANY FALSE STATEMENT OR FALSE CHARGE REFLECTING ON THE CHARACTER, MORALITY, OR INTEGRITY OF ANY CANDIDATE AT ANY ELECTION.

(10) VOTES OR ATTEMPTS TO VOTE IN THE NAME OF ANOTHER PERSON OR IN ANY NAME OTHER THAN HIS OR HER OWN.

(11) BY FORCE, THREAT, INTIMIDATION, OR OFFER OF REWARD, INDUCES OR ATTEMPTS TO INDUCE ANY ELECTION OFFICIAL TO FAIL IN HIS OR HER DUTY.

(12) WILLFULLY CHANGES OR CAUSES TO BE CHANGED ANY OFFICIAL ELECTION DOCUMENTS, INCLUDING BALLOTS, TALLIES, AND RETURNS, OR ATTEMPTS TO DO THE SAME.

(13) WILLFULLY DELAYS OR CAUSES TO BE DELAYED THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(14) WILLFULLY VOTES OR ATTEMPTS TO VOTE MORE THAN ONCE AT THE SAME ELECTION.

(15) SIGNS ANY NAME OTHER THAN HIS OR HER OWN TO A PETITION PROPOSING AN INITIATIVE, REFERENDUM, OR RECALL, OR KNOWINGLY SIGNS HIS OR HER NAME MORE THAN ONCE FOR THE SAME PROPOSITION OR QUESTION AT ONE (1) ELECTION, OR SIGNS THE PETITION KNOWING THAT HE OR SHE IS NOT A QUALIFIED VOTER.

(16) HAVING BEEN CONTRACTED OR EMPLOYED BY THE CITY TO PRINT OR REPRODUCE IN ANY MANNER ANY OFFICIAL BALLOT, WILLFULLY APPROPRIATES TO HIM OR HERSELF, OR GIVES OR DELIVERS TO, OR KNOWINGLY PERMITS TO BE TAKEN BY ANYONE OTHER THAN A PERSON AUTHORIZED BY THE CITY CLERK, ANY OFFICIAL BALLOTS, OR KNOWINGLY PRINTS, REPRODUCES, OR CAUSES TO BE PRINTED OR REPRODUCED ANY OFFICIAL BALLOTS IN ANY OTHER FORM OR WITH ANY OTHER CONTENT THAN THAT PRESCRIBED BY THE CHARTER, ORDINANCE, OR AS DIRECTED BY THE CITY CLERK.

(17) WILLFULLY MAKES A FALSE AFFIDAVIT OR SWEARS FALSELY UNDER ANY OATH REQUIRED IN CONNECTION WITH ANY ELECTION OR REGISTRATION FOR VOTING OR FALSELY AFFIRMS IN LIEU OF SO SWEARING.

(18) WILLFULLY FAILS TO PERFORM ANY ELECTION DUTY OR KNOWINGLY DOES ANY UNAUTHORIZED ACT WITH THE INTENT TO AFFECT THE ELECTION OR ITS RESULTS.

(19) WILLFULLY PERMITS, MAKES, OR ATTEMPTS TO MAKE ANY FALSE COUNT OR REPORT OF THE ELECTION RETURNS.

(20) BEING AN ELECTION OFFICIAL, WILLFULLY CONCEALS, WITHHOLDS, WRONGFULLY CHANGES, MUTILATES, OR DESTROYS THE ELECTION RETURNS, OR ATTEMPTS TO DO SO.

(B) ANY PERSON, FIRM, OR CORPORATION WHO IS GUILTY OF A VIOLATION AS DEFINED HEREINABOVE SHALL BE PUNISHED UPON CONVICTION THEREOF AS PROVIDED FOR MISDEMEANORS IN KMC 13.05.010.

Ordinance No. 3127-2020  
Page 13 of 37  
(KC 6-30; ORDS. 1240, 1858-2000)

6.05.280 RECORD RETENTION.

(A) THE CERTIFICATE OF RETURNS OF THE CANVASSING BOARD SHALL BE MAINTAINED PERMANENTLY, AND DESCRIPTIONS OF ELECTION BOUNDARIES, PRECINCTS, AND POLLING PLACES SHALL BE MAINTAINED UNTIL THEY ARE REVISED.  
(B) OTHER ELECTION RECORDS SHALL BE MAINTAINED FOR THE PERIOD SET FORTH BELOW:

FINANCIAL DISCLOSURE FORM	SIX YEARS
CANDIDATE AFFIDAVIT OF EXPENSE AND CONTRIBUTIONS	FIVE YEARS
ELECTION REGISTERS	FOUR YEARS
NOMINATING PETITIONS	THREE YEARS
DECLARATION OF CANDIDACY	THREE YEARS
REJECTED BALLOTS	ONE YEAR, UNLESS ELECTION CONTESTED
CERTIFICATES OF ELECTION RETURN REPORTS	PERMANENTLY

(C) THE CITY CLERK SHALL INFORM THE CITY COUNCIL PRIOR TO DESTRUCTION OF ANY RECORDS, SPECIFYING THE TYPE OF RECORD AND THE DATE OF THE ELECTION TO WHICH IT RELATES.  
(ORDS. 2488-2010, 2556-2011)

6.05.300 VOTING BY MAIL, BALLOTS, BALLOT REVIEW, BALLOT ENVELOPES.

(A) THE CITY CLERK MAY CONDUCT A SPECIAL ELECTION BY MAIL.  
(B) WHEN THE CLERK CONDUCTS A SPECIAL ELECTION BY MAIL, THE CLERK SHALL SEND A BALLOT TO EACH PERSON WHOSE NAME APPEARS ON THE OFFICIAL VOTER REGISTRATION LIST PREPARED UNDER AS 15.07.125 FOR THAT ELECTION. THE CLERK SHALL SEND THE BALLOT TO THE ADDRESS STATED ON THE OFFICIAL REGISTRATION LIST UNLESS THE VOTER HAS NOTIFIED THE CLERK IN WRITING OF A DIFFERENT ADDRESS TO WHICH THE BALLOT SHOULD BE SENT. THE CLERK SHALL SEND BALLOTS BY FIRST CLASS, NONFORWARD-ABLE MAIL ON OR BEFORE THE TWENTY-SECOND (22ND) DAY BEFORE THE ELECTION.  
(C) THE CLERK SHALL REVIEW BALLOTS VOTED UNDER THIS SECTION UNDER PROCEDURES ESTABLISHED FOR THE REVIEW OF ABSENTEE BALLOTS.  
(D) THERE SHALL BE A SMALL BLANK ENVELOPE AND A POSTAGE-PAID RETURN ENVELOPE SUPPLIED TO EACH BY-MAIL VOTER. THE POSTAGE-PAID RETURN ENVELOPE SHALL HAVE PRINTED ON IT AN AFFIDAVIT BY WHICH THE VOTER SHALL

Ordinance No. 3127-2020

Page 14 of 37

DECLARE THE VOTER'S QUALIFICATION TO VOTE, FOLLOWED BY PROVISION FOR ATTESTATION BY ONE (1) ATTESTING WITNESS, WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE. SPECIFIC INSTRUCTIONS FOR VOTING A BY-MAIL BALLOT AND A LIST OF THE APPOINTED ABSENTEE VOTING OFFICIALS, THEIR HOURS AND LOCATIONS, SHALL BE MAILED TO EACH VOTER WITH THE BALLOT.  
(ORDS. 1800-98, 2488-2010)

6.05.310 CASTING BALLOTS.

(A) UPON RECEIPT OF A MAIL-IN BALLOT, THE VOTER SHALL CAST HIS OR HER BALLOT IN THE MANNER SPECIFIED IN KMC 6.05.140 THROUGH 6.05.160. IF THE BALLOT IS CAST IN THE CLERK'S OFFICE, THE CLERK SHALL RETAIN IT FOR DELIVERY TO THE CANVASSING BOARD. IF THE BALLOT IS CAST IN ANOTHER LOCATION, THE VOTER SHALL RETURN IT BY MAIL TO THE CLERK IMMEDIATELY FOR DELIVERY TO THE CANVASSING BOARD.

(B) A VOTER WHO DOES NOT RECEIVE A MAIL-IN BALLOT MAY CAST HIS OR HER BALLOT IN PERSON AS SPECIFIED IN KMC 6.05.145.

(C) A VOTER MAY RETURN THE MAIL-IN BALLOT TO THE CITY CLERK AS PROVIDED IN KMC 6.05.160.

(ORD. 1800-98)

6.05.320 NOTICE OF ELECTION, ELECTION DATE, PUBLIC NOTICE.

(A) THE NOTICE OF ELECTION CALLING FOR THE ELECTION MUST STATE THAT THE ELECTION IS TO BE CONDUCTED BY MAIL AND THAT THERE WILL BE NO POLLING PLACE OPEN FOR REGULAR IN-PERSON VOTING ON ELECTION DAY. IN A BY-MAIL ELECTION, ELECTION DAY IS THE DEADLINE BY WHICH A VOTER'S BALLOT MUST BE RECEIVED BY THE CLERK.

(B) FOR EACH ELECTION CONDUCTED BY MAIL, THE PUBLIC NOTICE WILL BE GIVEN AS SET FORTH IN KMC 6.05.100.

(ORD. 1800-98)

6.05.330 ABSENTEE VOTING OFFICIAL AND DUTIES.

(A) THE CITY CLERK, OR DESIGNEE, SHALL ACT AS ABSENTEE VOTING OFFICIAL.

(B) THE DUTIES OF THE ABSENTEE VOTING OFFICIAL SHALL BE AS FOLLOWS:

(1) PROVIDE ABSENTEE VOTING IN PERSON ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND ABSENTEE VOTING THROUGH A PERSONAL REPRESENTATIVE ON ANY DATE, INCLUDING THE DAY OF THE ELECTION, AND HAVE UNTIL THE DAY OF THE ELECTION TO RETURN THE BALLOTS;

(2) SIGN A VOTER'S BY-MAIL OATH AND AFFIDAVIT ENVELOPE AS AN AUTHORIZED ATTESTING OFFICIAL, EXCEPT THAT THE ABSENTEE VOTING OFFICIAL MAY NOT ATTEST HIS OR HER OWN BALLOT;

(3) ACCEPT RECEIPT OF A BY-MAIL VOTER'S HAND-DELIVERED VOTED BALLOT, WHICH HAS BEEN SWORN TO, ATTESTED AND SEALED IN THE BY-MAIL RETURN ENVELOPE;

(4) PROVIDE GENERAL VOTER ASSISTANCE, INCLUDING, BUT NOT LIMITED TO, ASSISTANCE TO A QUALIFIED VOTER WHO CANNOT READ, MARK THE BALLOT, OR SIGN HIS OR HER NAME, AND PROVIDING REPLACEMENT BALLOTS TO VOTERS WHO HAVE IMPROPERLY MARKED OR DAMAGED THEIR BALLOTS;

(5) DATE-STAMP ALL BALLOTS RECEIVED;

(6) PROVIDE FOR THE SECURITY AND SAFEKEEPING OF ALL BALLOTS RECEIVED AND PRESENT THOSE BALLOTS TO THE CLERK FOR CANVASSING.

(ORD. 1800-98)



6.05.335 ABSENTEE VOTING—BY ELECTRONIC TRANSMISSION.

(A) A QUALIFIED VOTER MAY APPLY TO THE CITY CLERK FOR AN ABSENTEE BALLOT TO BE SENT TO THE VOTER BY ELECTRONIC TRANSMISSION. SUCH APPLICATION MUST BE MADE BY THE VOTER NOT LESS THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION. ABSENTEE BALLOTS WILL BE TRANSMITTED ELECTRONICALLY TO THE LOCATION (FACSIMILE NUMBER, E-MAIL ADDRESS, OR SIMILAR DESIGNATION) DESIGNATED IN THE APPLICATION. IF NO LOCATION IS DESIGNATED, AND IF THE APPLICATION IS RECEIVED NO LATER THAN SEVEN (7) DAYS PRIOR TO THE ELECTION, THE BALLOT WILL BE MAILED IN THE MANNER PROVIDED IN KMC 6.05.140 FOR DELIVERING ABSENTEE BALLOTS BY MAIL. THE CLERK WILL PROVIDE REASONABLE CONDITIONS FOR TRANSMITTING ABSENTEE BALLOTS ELECTRONICALLY.

(B) THE VOTER MAY RETURN THE BALLOT BY MAIL OR BY ELECTRONIC TRANSMISSION. AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL CONTAIN A COPY OF THE BALLOT TO BE USED AT THE ELECTION IN A FORM SUITABLE FOR TRANSMISSION. A PHOTOCOPY OF THE COMPUTERIZED BALLOT CARD TO BE USED BY PERSONS VOTING IN PERSON AT THE POLLING PLACES IS ACCEPTABLE.

(C) AN ABSENTEE BALLOT THAT IS COMPLETED AND RETURNED BY THE VOTER BY ELECTRONIC TRANSMISSION MUST:

(1) CONTAIN THE FOLLOWING STATEMENT: "I UNDERSTAND THAT BY USING ELECTRONIC TRANSMISSION TO RETURN MY MARKED BALLOT, I AM VOLUNTARILY WAIVING A PORTION OF MY RIGHT TO A SECRET BALLOT TO THE EXTENT NECESSARY TO PROCESS MY BALLOT, BUT EXPECT THAT MY VOTE WILL BE HELD AS CONFIDENTIAL AS POSSIBLE." FOLLOWED BY THE VOTER'S SIGNATURE AND DATE OF SIGNATURE; AND

(2) BE ACCOMPANIED BY A STATEMENT EXECUTED UNDER OATH AS TO THE VOTER'S IDENTITY; THE STATEMENT UNDER OATH MUST BE WITNESSED BY ONE (1) UNITED STATES CITIZEN WHO IS EIGHTEEN (18) YEARS OF AGE OR OLDER.

(D) THE VOTER MAY RETURN THE BALLOT BY MAIL. THE BALLOT MUST BE MARKED, ATTESTED, AND RETURNED IN ACCORDANCE WITH KMC 6.05.170(D) IF THE VOTER RETURNS THE BALLOT BY MAIL.

(E) IF THE VOTER RETURNS THE BALLOT BY ELECTRONIC TRANSMISSION, THE VOTER MUST COMPLY WITH THE SAME DEADLINES AS FOR VOTING IN PERSON ON OR BEFORE THE CLOSING HOUR OF THE POLLS.

(F) WHEN A COMPLETED ABSENTEE BALLOT IS RECEIVED BY THE CITY THROUGH ELECTRONIC TRANSMISSION, THE CLERK WILL NOTE THE DATE OF RECEIPT ON THE ABSENTEE BALLOT APPLICATION LOG AND, IF THE BALLOT IS RECEIVED ON ELECTION DAY, THE TIME OF RECEIPT. THE CLERK WILL THEN:

(1) REMOVE THE BALLOT PORTION OF THE TRANSMISSION FROM THE PORTION THAT IDENTIFIES THE VOTER;

(2) PLACE THE BALLOT PORTION IN A SECRECY SLEEVE;

(3) SEAL THE SECRECY SLEEVE IN AN OUTER ENVELOPE OF THE TYPE USED FOR ABSENTEE BALLOTS RETURNED BY MAIL, AND SEAL THAT ENVELOPE;

(4) ATTACH THE VOTER IDENTIFICATION PORTION TO THE OUTER ENVELOPE; AND

(5) FORWARD THE OUTER SEALED ENVELOPE TO THE CANVASSING BOARD FOR REVIEW.

(G) AN ELECTRONICALLY-TRANSMITTED BALLOT SHALL BE COUNTED IN THE SAME MANNER AS OTHER ABSENTEE BALLOTS, EVEN THOUGH THIS PROCEDURE MAY REVEAL TO ONE (1) OR MORE ELECTION OFFICIALS THE MANNER IN WHICH A

PARTICULAR ABSENTEE VOTER CAST HIS OR HER BALLOT. HOWEVER, IT SHALL BE UNLAWFUL TO DISPLAY AN ELECTRONIC BALLOT IN A MANNER REVEALING THE WAY IN WHICH A PARTICULAR VOTER CAST HIS OR HER BALLOT TO ANY PERSON OTHER THAN THE CITY CLERK, A MEMBER OF THE CLERK’S STAFF, AN INFORMATION TECHNOLOGIES TECHNICIAN RETAINED BY THE CITY, AN ELECTION OFFICIAL IN THE COURSE OF HIS OR HER DUTIES, OR AN ATTORNEY ADVISING THE CLERK ON LEGAL QUESTIONS CONCERNING THE BALLOT.

(ORDS. 2108-2005, 2556-2011)

6.05.340 STORING BALLOTS.

THE CLERK SHALL PROVIDE FOR THE SECURE STORAGE OF THE MAIL-IN BALLOTS RECEIVED FROM THE VOTERS AND BY-MAIL OFFICIALS UNTIL THE DATE SET BY THE CLERK FOR THE COUNTING OF THE BALLOTS. (ORD. 1800-98)

CHAPTER 6.10  
FILING FOR OFFICE

SECTIONS:

- 6.10.010 NOMINATING PETITIONS.
- 6.10.020 SUFFICIENCY OF PETITION—NEW PETITION.
- 6.10.030 WITHDRAWAL OF CANDIDACY.
- 6.10.040 PETITION AND STATEMENT TO BE PRESERVED.

6.10.010 NOMINATING PETITIONS.

(A) ANY QUALIFIED PERSON MAY HAVE HIS OR HER NAME PLACED ON THE BALLOT FOR THE ELECTION AS A CANDIDATE FOR MAYOR OR COUNCIL BY FILING WITH THE CITY CLERK, BETWEEN AUGUST 1ST, AND AUGUST 15TH, A SWORN STATEMENT OF HIS OR HER CANDIDACY. IF AUGUST 15TH IS NOT A REGULAR CITY WORKDAY, THE FILING PERIOD SHALL BE EXTENDED TO THE CLOSE OF BUSINESS OF THE NEXT REGULAR CITY WORKDAY. SUCH SWORN STATEMENT SHALL BE ACCOMPANIED BY A NOMINATING PETITION SIGNED BY TWENTY (20) OR MORE REGISTERED, QUALIFIED CITY VOTERS AS REQUIRED BY THE CITY CHARTER, SECTION 10-3.

(B) NO VOTER SHALL SIGN MORE THAN ONE (1) PETITION EXCEPT THAT A VOTER MAY SIGN AS MANY NOMINATING PETITIONS FOR COUNCILMEMBERS AS THERE ARE VACANCIES TO BE FILLED; AND IF A VOTER SIGNS MORE PETITIONS THAN HEREBY AUTHORIZED, HIS OR HER SIGNATURE SHALL BE VOID EXCEPT AS TO THE AUTHORIZED NUMBER OF PETITIONS FIRST FILED.

(C) NOMINATION PETITIONS SHALL BE SUBSTANTIALLY IN THE FOLLOWING FORM:

**NOMINATING PETITION**

WE, THE UNDERSIGNED TWENTY (20)  
 ELECTORS OF THE CITY OF KENAI, HEREBY  
 NOMINATE AND SPONSOR  
 \_\_\_\_\_, WHOSE ADDRESS  
 IS \_\_\_\_\_, FOR THE  
 OFFICE OF \_\_\_\_\_, TO BE  
 VOTED FOR AT THE ELECTION TO BE HELD  
 ON \_\_\_\_\_; AND WE INDIVIDUALLY  
 CERTIFY THAT OUR NAMES PRESENTLY  
 APPEAR ON THE ROLLS OF REGISTERED  
 VOTERS OF THE CITY OF KENAI, AND THAT  
 WE ARE QUALIFIED TO VOTE FOR A

CANDIDATE FOR AN ELECTIVE MUNICIPAL OFFICE, AND THAT WE HAVE NOT SIGNED ANY OTHER NOMINATING PETITION FOR THE PARTICULAR OFFICE THIS CANDIDATE SEEKS. CHECK TERM OF OFFICE CANDIDATE IS SEEKING: \_\_\_\_\_ ONE YEAR; \_\_\_\_\_ TWO YEARS; THREE YEARS.

\_\_\_\_\_  
(HERE PLACE LINES FOR SIGNATURES, ADDRESSES, AND DATES OF SIGNING.)

**ACCEPTANCE OF NOMINATION**

I HEREBY ACCEPT THE NOMINATION FOR \_\_\_\_\_ AND AGREE TO SERVE \_\_\_\_\_ YEARS IF ELECTED.

DATE FILED: \_\_\_\_\_ BY: \_\_\_\_\_

RECEIVED: \_\_\_\_\_

CITY CLERK SIGNATURE OF CANDIDATE

(KC 6-33; ORDS. 247, 803, 995; AMENDED DURING 11-17-01 SUPPLEMENT; ORDS. 2067-2004, 2562-2011)

6.10.020 SUFFICIENCY OF PETITION—NEW PETITION. WITHIN THREE (3) DAYS AFTER THE FILING OF THE STATEMENT OF CANDIDACY AND NOMINATING PETITION, THE CITY CLERK SHALL DETERMINE WHETHER THE NOMINATING PETITION IS SIGNED BY THE REQUIRED NUMBER OF REGISTERED VOTERS, AND SO NOTIFY THE CANDIDATE. IF INSUFFICIENT, THE CITY CLERK SHALL RETURN THE PETITION IMMEDIATELY TO THE CANDIDATE WITH A STATEMENT AS TO WHY THE PETITION IS INSUFFICIENT. WITHIN THE REGULAR TIME FOR FILING PETITIONS AND STATEMENTS OF CANDIDACY, A NEW PETITION AND STATEMENT OF CANDIDACY MAY BE FILED BY THE CANDIDATE. THE ABOVE NOTICE TO THE CANDIDATE AND THE RETURN OF AN INSUFFICIENT PETITION MAY BE IN PERSON, BY DELIVERY BY POLICE, OR BY MAIL. (KC 6-34; ORD. 803)

6.10.030 WITHDRAWAL OF CANDIDACY. ANY CANDIDATE FOR OFFICE MAY WITHDRAW HIS OR HER CANDIDACY AT ANY TIME BEFORE THE EXPIRATION OF THE TIME WHEN CANDIDATES MAY FILE STATEMENTS OF CANDIDACY, BY FILING A WRITTEN NOTICE OF WITHDRAWAL WITH THE CITY CLERK DURING SUCH TIME. (KC 6-35)

6.10.040 PETITION AND STATEMENT TO BE PRESERVED. THE PETITION AND STATEMENT OF CANDIDACY OF EACH CANDIDATE SHALL BE PRESERVED BY THE CITY CLERK UNTIL THE EXPIRATION OF THE TERM OF OFFICE FOR WHICH HE OR SHE WAS A CANDIDATE. (KC 6-36)

CHAPTER 6.20  
INITIATIVE AND REFERENDUM

SECTIONS:

6.20.010 PROVISIONS OF CHARTER TO GOVERN.

6.20.010 PROVISIONS OF CHARTER TO GOVERN.  
THE INITIATIVE AND REFERENDUM SHALL BE GOVERNED BY THE CITY CHARTER, SECTIONS 11-1 TO 11-5. THE PROVISIONS OF THIS CHAPTER OF THIS CODE SHALL GOVERN ELECTIONS AT WHICH INITIATED AND REFERRED PROPOSALS ARE SUBMITTED TO THE VOTERS, AS WELL AS OTHER ELECTIONS, INsofar AS THEY ARE APPLICABLE. (KC 6-37)

CHAPTER 6.30  
RECALL

SECTIONS:

6.30.010 PROCEDURES AND GROUNDS.

6.30.010 PROCEDURES AND GROUNDS.  
PROCEDURES AND GROUNDS FOR RECALL OF INCUMBENTS OF ELECTIVE OFFICES OF THE CITY SHALL BE SUCH AS MAY BE PRESCRIBED BY LAW, AS PROVIDED BY THE CITY CHARTER, SECTION 11-6. THE PROVISIONS OF THIS TITLE OF THIS CODE SHALL GOVERN RECALL ELECTIONS, AS WELL AS OTHER ELECTIONS, INsofar AS THEY ARE APPLICABLE. (KC 6-38)]

Chapter 6.05  
General Provisions

**6.05.010 – Scope of Title**

This title governs all city elections in which voters of the City are entitled to vote.

**6.05.020 – Powers and Duties of the Clerk**

The clerk is the election supervisor for and shall administer all city elections.

**6.05.030 – Definitions**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Ballot” means any document provided by the clerk or designee on which votes may be cast for candidates or propositions. When the term “ballot” is used in this title it shall mean the official ballot, except where the context clearly indicates it means the sample ballot or both types of ballots.

"City election" means any election:

1. To fill a city office;
2. Upon a proposition submitted to the voters under the ordinances of the City; or

Ordinance No. 3127-2020

Page 19 of 37

3. That the city is required by law to administer.

"City office" means an elective office under the ordinances of the City.

"Clerk" and "City Clerk" mean the clerk of the City, any properly authorized assistant or designee.

"Day" means a calendar day including Saturday, Sunday and holidays.

"Election" includes a regular or special city election.

"Election official" means the clerk and members of all election boards.

"Election supervisor" means the clerk.

"Oath" includes affirmation on penalty of perjury.

"Precinct" means the geographical area for voting purposes that is defined by the Alaska State Legislature.

"Proposition" includes question.

"Publication" means a newspaper of general circulation or posting in public places.

"Regular election" means a general election to fill city offices as required by Alaska Statutes.

"Registration" or "registered" refers to the form of registration required by the state election code. For city elections, a person is registered if registered to vote in state elections in the precinct in which that person seeks to vote 30 days prior to the city election.

"Signature" includes any mark intended as a signature or subscription.

"Special election" means any election held at a time other than when a regular election is held.

"Swear" includes "Affirm".

"Total votes cast" means the total number of votes cast in each seat for candidates whose names are printed on the ballot plus votes properly cast for the same seat in the write-in position(s) of the ballot. Ballots which are counted as blank votes in a particular race and ballots which are counted as over votes in a particular race shall not be added into the total votes in determining the percentage of votes cast.

"Vote center" means any location designated by the clerk for the purpose of providing voter assistance that is not solely for casting votes for a specific precinct.

"Voter" means any person who presents himself for the purpose of registering to vote or voting, either in person or by absentee application or ballot.

### **6.05.040 – Severability**

Should any provision of this title or its application to any person or set of circumstances be held invalid, the remainder of this title and its application to any persons or circumstances shall not be affected.

#### **6.05.050 – Election Times.**

- (a) Regular Election. Annually, on the first Tuesday of October, a regular election shall be held in the city for the election of vacant city offices and for the determination of other matters as may be placed on the ballot as authorized by the City Charter, Section 10-1.
- (b) Special Election. The council, by resolution or ordinance, may call a special election at any time at least 75 days prior to the date of the election. Unless the council has set a date for a required special election, the election supervisor shall call a special election when required by law or ordinance to place and initiative, referendum, recall, or other question before the voters.
- (c) Nothing in this chapter shall prohibit holding a city election on the same day and by the same election personnel as a State, Borough, or other public election, or submitting a city question at such an election, as authorized by the City Charter, Section 10-8.

#### **6.05.060 – Votes Required for Election to Office.**

- (a) Each city office shall be filled by the candidate receiving the greatest number of votes as authorized by the City Charter, Section 10-4.
- (b) Tie votes. In case of a failure to elect because of a tie vote, the council shall immediately proceed to recount the votes pursuant to KMC 6.45.010. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying, in a meeting of the Council and under its direction, in accordance with the City Charter, Section 10-4.

#### **6.05.070 – Preservation of Election Ballots, Papers, and Materials.**

The clerk shall preserve all precinct election certificates, tallies, registers, receipts for ballots, all voted ballots, and declarations of candidacy filed for one month after the election is certified, unless the election is contested. If the election is contested, these records shall be preserved for one month after the election contest is resolved and the election is certified. These materials may be destroyed after their retention period has lapsed unless their destruction is stayed by an order from the court. Certificates of the canvass board are to be preserved as permanent records.

#### **6.05.080 – Election Expenses.**

- (a) The City shall pay all necessary expenses relating to the conduct of each city election. Necessary expenses shall include those associated with conducting the election. The clerk shall retain a record for auditing and payment of election expenses.
- (b) The City shall pay each election official and canvass board member an hourly rate for time spent at his or her election duties, including the receiving of instructions. The election supervisor shall set the hourly compensation to be paid for time spent by election officials.

#### **6.05.090 – Initiative, Referendum, and Recall.**

- (a) The initiative and referendum shall be governed by the City Charter, Sections 11-1 to 11-5. The provisions of this chapter of this Code shall govern elections at which initiated and

referred proposals are submitted to the voters, as well as other elections, insofar as they are applicable.

- (b) As set forth by the City Charter, Section 11-6, all incumbents of elective offices of the City, including persons chosen to fill vacancies in such offices, shall be subject to recall from office by the qualified voters of the City. Procedures and grounds for recall shall be such as may be prescribed by law. The Council, by ordinance, may further regulate the recall insofar as such regulation is not in conflict with the State Constitution or law.

### **6.05.100 – Offenses and Penalties**

(a) It is unlawful for any person, firm, or corporation to do any of the following acts, and any person, firm, or corporation who does any of the following acts shall be guilty of a violation:

- (1) Directly or indirectly uses or threatens to use force, coercion, violence, restraint, inflicts, or threatens to inflict damage, harm, or loss upon or against any person to induce or compel the person to vote or refrain from voting for any candidate in any election or for any election proposition or question.
- (2) Gives or promises to give, or offers any money or valuable thing to any person, with the intent to induce him or her to vote for or restrain him or her from voting for any candidate at any election or any election proposition or question.
- (3) Knowingly prints or circulates, or causes to be written, printed, or circulated, any letter, circular, bill, placard, poster, or other publication relating to any election or to any candidate at any election or to any election proposition or question without the same bearing on its face the name and address of the author, printer, and publisher thereof.
- (4) Writes, prints, or circulates, or who shall cause to be written, printed, or circulated, any letter, circular, bill, placard, or poster, or who causes any paid advertisement to be placed in a newspaper or any other publication, or who pays or contributes to the payment for any such advertisement, or who makes any radio broadcast, willfully knowing the letter, circular, bill, placard, poster, publication, paid advertisement, or radio broadcast to contain any false statement, charge, or comment relating to any candidate to any election or to any election proposition or question.
- (5) Has in his or her possession outside of the voting room any official ballot, provided that this shall not apply to election officials or other properly authorized persons having such possession in line of duty.
- (6) Makes or knowingly has in his or her possession any counterfeit of an official ballot.
- (7) Refuses to allow an employee reasonable time off for the purpose of voting when the employee does not have a reasonable amount of time to vote before or after work, or who, after allowing the time off, deducts the time from the compensation of the employee.
- (8) Being an election official while the vote centers are open, opens any ballot received from a voter at an election, or marks a ballot so as to be able to recognize it, or otherwise attempts to learn how any voter marked their ballot, or allows the same to be done by any other person.
- (9) Writes, produces, or assists in writing or producing any published letter, circular, poster, bill, publication, or placard, knowing that it contains any false statement or false charge reflecting on the character, morality, or integrity of any candidate at any election.
- (10) Votes or attempts to vote in the name of another person or in any name other than his or her own.
- (11) By force, threat, intimidation, or offer of reward, induces or attempts to induce any election official to fail in his or her duty.
- (12) Willfully changes or causes to be changed any official election documents, including ballots, tallies, and returns, or attempts to do the same.
- (13) Willfully delays or causes to be delayed the election returns, or attempts to do so.
- (14) Willfully votes or attempts to vote more than once at the same election.

(15) Signs any name other than his or her own to a petition proposing an initiative, referendum, or recall, or knowingly signs his or her name more than once for the same proposition or question at one (1) election, or signs the petition knowing that he or she is not a qualified voter.

(16) Having been contracted or employed by the City to print or reproduce in any manner any official ballot, willfully appropriates to him or herself, or gives or delivers to, or knowingly permits to be taken by anyone other than a person authorized by the City Clerk, any official ballots, or knowingly prints, reproduces, or causes to be printed or reproduced any official ballots in any other form or with any other content than that prescribed by the Charter, ordinance, or as directed by the City Clerk.

(17) Willfully makes a false affidavit or swears falsely under any oath required in connection with any election or registration for voting or falsely affirms in lieu of so swearing.

(18) Willfully fails to perform any election duty or knowingly does any unauthorized act with the intent to affect the election or its results.

(19) Willfully permits, makes, or attempts to make any false count or report of the election returns.

(20) Being an election official, willfully conceals, withholds, wrongfully changes, mutilates, or destroys the election returns, or attempts to do so.

(b) Any person, firm, or corporation who is guilty of a violation as defined hereinabove shall be punished upon conviction thereof as provided for misdemeanors in KMC 13.05.010.

#### Chapter 6.10 Voter Qualifications

##### **6.10.010 – Voter Qualifications**

A person is qualified to vote in a city election who:

- (a) Have the qualifications for voters prescribed by the City Charter, Section 10-6, the State Constitution, Article V, Sections 1 and 2, and State Law; and
- (b) Is registered to vote in state elections at a residence address within the City at least 30 days before the city election at which the person seeks to vote.

##### **6.10.020 – Rules for Determining Residence of Voters.**

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (a) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or by absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.
- (b) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.
- (c) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one place of residence.



- (d) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (e) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (f) A person loses residence in this city if the person votes in another city's or borough's election or another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state again until qualifying under provisions of state law.
- (g) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (h) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the Division of Elections in writing of a change of voting residence.

#### **6.10.030 - Notice of voter registration.**

Before each election, the clerk shall post on the city website and publish at least twice in a newspaper of general circulation, a notice of voter registration. The posting and first publication shall occur not less than 60 days before the election. The notice shall include the qualifications required to vote and the deadline for registering to vote in the election.

#### Chapter 6.15 Filing for Office

#### **6.15.010 – Candidate Qualifications**

A candidate for elective city office:

- (a) Shall have the qualifications required in City Charter, Section 2-1(b), as of the date of the declaration of candidacy,
- (b) Shall provide proof of qualifications for office as required by the clerk, and
- (c) Shall submit a nominating petition, on a form provided by the clerk, signed by twenty (20) or more registered qualified City voters, in accordance with City Charter, Section 10-3.

#### **6.15.020 – Nomination and Declaration of Candidacy.**

- (a) A candidate for council or mayor may have his or her name placed on the ballot for election as a candidate for Mayor or Council by filing with the clerk, between August 1<sup>st</sup> and August 15<sup>th</sup>, 4:30 p.m., a nominating petition with sufficient signatures and a sworn declaration of his or her candidacy, on a form or forms provided by the clerk, accompanied by the public financial disclosure statement required by KMC 1.85.010(a). If August 15<sup>th</sup> is not a regular City workday, then candidates shall have until noon on the first workday following to file their candidacy paperwork.
- (b) A nominating petition shall include:
  1. The full name of the candidate the petitioners are sponsoring; and
  2. The full residence address of the candidate; and
  3. The office for which the petitioners are nominating the candidate for; and
  4. The length of the term of office for which the petitioners are nominating the candidate for; and
  5. Certification that the petitioners' names appear on current voter registration rolls for the City of Kenai, are qualified to vote for a candidate for elective municipal office, and have not signed any other nominating petition for the particular office the named candidate seeks.

- (c) No voter shall sign more than one (1) petition except that a voter may sign as many nominating petitions for councilmembers as there are vacancies to be filled; and if a voter signs more petitions than hereby authorized, his or her signature shall be void except as to the authorized number of petitions first filed.
- (d) A declaration of candidacy shall include:
1. The full name of the candidate and the manner in which he/she wishes his/her name to appear on the ballot; and
  2. The full residence and mailing address of the candidate; and
  3. The office for which the candidate declares; and
  4. A statement that the candidate is qualified for the office as provided by law; and
  5. Certification that the information contained in the declaration of candidacy is true and accurate; and
  6. The date and signature of the candidate; and
  7. Attestation and date by the clerk; and
  8. Any other information the clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.
- (e) Within three (3) days after the filing of the declaration of candidacy and nominating petition, the clerk shall determine whether the nominating petition is signed by the required number of registered voters, and so notify the candidate. If insufficient, the clerk shall return the petition immediately to the candidate with a statement as to why the petition is insufficient. Within the regular time for filing petitions and declarations of candidacy, a new petition and declaration of candidacy may be filed by the candidate. The above notice to the candidate and the return of an insufficient petition may be in person or by mail.

#### **6.15.030 – Reserved.**

#### **6.15.040 – Correction, Amendments, and Withdrawal of Declaration of Candidacy.**

- (a) Any candidate may withdraw their nomination at any time during the period for filing a nomination petition declaration of candidacy by appropriate written notice to the clerk. However, after the filing period has closed, no declaration may be corrected, amended or withdrawn.
- (b) A declaration of candidacy presented shall not be changed as to term of office. If a candidate desires to file for a different office, the candidate shall request new forms from the clerk.

#### **6.15.050 – Campaign Reporting.**

All candidates for elective city office shall comply with the Alaska Public Offices Commission campaign reporting requirements in Alaska Statutes 15.13. The name of the candidate shall be placed on the ballot by the clerk only after the candidate has complied with this requirement.

#### **6.15.060 – Notice of Vacancy.**

At least ten (10) days before nominations are open for each regular or special election, the clerk shall publish at least twice in a newspaper of general circulation, a notice of offices to be filled at the election and the procedure for filing a nomination petition and declaration of candidacy for the offices.

#### **6.15.070 – Watchers.**

Any candidate for elective city office may appoint a watcher for each vote center or counting center. State law relating to watchers in elections shall govern watchers in city elections insofar as it is applicable.

Chapter 6.20  
Administration of Elections

**6.20.010 – Election Notices.**

- (a) Notice of Election. Before every city election, regular or special, the clerk shall cause to be published at least twice in a newspaper of general circulation, a notice of election. The clerk shall also post a notice of election on the official city bulletin board and in two (2) other public places in the city limits. The posting and first publication shall occur at least 20-days before an election. Each notice of election shall include:
1. The type of election, whether regular or special;
  2. The date of the election;
  3. A statement that the election is to be conducted by mail and that there will be no precinct polling places open for the election on election day;
  4. The hours and locations the vote centers will be open;
  5. The offices to which candidates are to be elected;
  6. The subjects of propositions to be voted upon;
  7. Voter qualifications and instructions for registration; and
  8. Instructions for application for absentee voting.
- (b) Failure to publish such a notice of an election shall not affect the validity of the election or of the vote for any candidate or on any proposal; but, if caused by the clerk, shall constitute failure to perform his or her official duties.
- (c) In addition to the above notice, the clerk shall publish in full, every charter amendment, every ordinance, and every other question which is to be submitted at an election, except a referred ordinance which was published in full after passage, not more than four (4) weeks and at least two (2) weeks before the election in accordance with the City Charter, Sections 1-7(4) and 10-8.
- (d) Notice of Bonded Indebtedness. Before a general obligation bond issue election, the clerk shall publish notice of total existing bonded indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least 20-days before the date of the election. The notice must include:
1. The current total general obligation bonded indebtedness, including authorized but unsold bonds, of the City;
  2. The cost of the debt service on the current indebtedness; and
  3. The total assessed valuation within the city.

**6.20.020 – Election Officials.**

- (a) Before each election, the clerk, subject to approval by the council, shall appoint election officials.
- (b) If any appointed election official is not able or refuses to serve, the clerk may appoint a replacement for that official.
- (c) All election officials, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

- (d) Candidates shall not serve as election officials. Certain familial relationships may not exist between a candidate and an election official in regular or special elections. Those familial relationships are:
1. Mother, mother-in-law, stepmother;
  2. Father, father-in-law, stepfather;
  3. Sister, sister-in-law, stepsister;
  4. Brother, brother-in-law, stepbrother;
  5. Spouse; or
  6. Person sharing the same living quarters.
- (e) If the clerk knows or learns that any of these relationships exist, the election official shall be notified and replaced.

#### **6.20.030 – Ballot Form.**

- (a) The ballot shall be designed with the position of names of the candidates set out in the same order in each section on each ballot used in that election. However, the order of placement of the names of the candidates for each office shall be randomly determined by the clerk.
- (b) The title of the office to be filled shall be followed by the printed names of the candidates for such office, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for no more than \_\_\_\_\_" with the appropriate number replacing the blank, shall be placed before the list of candidates for each office. The names of the candidates shall be printed as they appear upon the declaration filed with the clerk, except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of a proper name. The names of candidates shall be set out in order as provided in subsection A. of this section.
- (c) The propositions to be voted on shall follow the candidates for office or shall be on separate ballots, as the clerk may determine. The words "yes" and "no" shall appear below each proposition.
- (d) Each ballot shall bear the words "Official Ballot," and the date of the election.
- (e) A ballot shall be printed either on paper or on card stock as provided in this title.
- (f) The ballots shall be consecutively numbered.

#### **6.20.040 – Ballot Preparation and Distribution.**

- (a) The clerk shall have ballots printed for each election. The clerk may contract for the preparation and printing of ballots without competitive bidding.
- (b) The clerk shall possess the printed ballots at least 21 days before each regular election and at least 15 days before each special election. At that time, the ballots may be inspected by any candidate whose name is on the ballot, or by his or her authorized agent, and any discovered mistake shall be corrected immediately.
- (c) The clerk shall have sample ballots available to voters which are identical in form to the official ballot, and which are printed on colored paper and marked "sample." Sample ballots shall be made available at vote centers.

#### Chapter 6.25 Elections by Mail

**6.25.010 – By-Mail Precincts.**

- (a) All precincts within the City shall be designated as “by-mail” precincts. The procedures shall be as follows:
- a. Ballots shall be sent to each registered voter in the precinct on or before the 21<sup>st</sup> day prior to the regular or special election
  - b. Voted ballots must be postmarked on or before midnight of Election Day and received by the clerk no later than the Tuesday following the election.
- (b) Voters wishing to vote in person may do so at designated vote center(s).

**6.25.020 – Procedures for Conducting Elections by Mail.**

- (a) The clerk shall mail by non-forwardable mail an official ballot package with a return identification envelope addressed to the Clerk’s Office and a secrecy sleeve. The ballot, return envelope, and secrecy envelope shall be mailed no later than the 21st day before the date of a regular or special election. The ballot shall be sent to the address stated on the official registration list unless:
1. The voter has notified the clerk in writing of a different address to which the ballot should be sent; or
  2. The address on the official registration list has been identified as being an undeliverable (UN) address or is in the condition of purge notice (PN).
- (b) On receipt of any ballot described in this section, the voter shall mark the ballot, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the Clerk’s Office by return mail or by depositing the ballot at any place of deposit designated by the clerk. The ballot must be returned in the identified envelope. A ballot must be received by the clerk or at a place of deposit designated by the clerk, not later than the end of the period determined under regulations established by the clerk.

Chapter 6.30Absentee and Vote Center Voting.**6.30.010 – Administration of Absentee Voting.**

The clerk shall provide general administrative supervision over the conduct of absentee voting. The clerk shall make available, instruction to absentee voters regarding the procedure for absentee voting.

**6.30.020 – Designation of Absentee Voting Officials.**

The clerk may appoint any person qualified to vote in state elections to act as absentee voting officials. The clerk shall supply adequate voting supplies and ballots to the absentee voting officials. After taking an oath in the form required of election officials, an absentee voting official may perform all the duties of an election official with respect to the issuance, witnessing and receipt of absentee ballots at such places and times as the clerk may designate. Each absentee voting official shall transmit the dated envelopes containing the marked ballots to the clerk in the manner set forth in the written instructions provided by the clerk. Upon receipt of the absentee ballots, the clerk shall hold the ballots in a secure location until they can be transferred to the canvass board along with the absentee in person registers and other election materials received from the absentee voting official.

### **6.30.030 – Eligibility.**

Any qualified voter may vote at a vote center for the precinct in which the voter resides and is registered whether inside the city or not.

### **6.30.040 – Fee Prohibited.**

No person may receive a fee from the voter for attesting to any voter's certificate required in voting absentee.

### **6.30.050 – Materials for Absentee Voting.**

The clerk shall provide ballots for use as absentee ballots for all precincts, and shall provide a small envelope in which the voter shall initially place the marked ballot, and shall provide a larger envelope, with the prescribed voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate on the back, in which the smaller envelope with ballot enclosed shall be placed. The clerk shall provide the form of and prepare the voter's certificate which shall include an oath, for use when required, that the voter is a qualified voter in all respects, a blank for the voter's signature, a certification that the affiant properly executed the marking of the ballot and identified themselves, blanks for the attesting official or witnesses, and a place for recording the date the envelope was sealed and witnessed.

### **6.30.060 – Vote Center Voting – In Person.**

- (a) A qualified voter may apply in person for an absentee ballot at the office of the clerk during regular office hours, or the voter may apply to the borough clerk's office or election official during regular office hours.
- (b) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in this title, the election official shall issue the ballot to the applicant.
- (c) The voter shall proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope in the presence of the election official who shall sign as attesting official and date of the signature. The election official shall then accept the ballot.
- (d) The election official may not accept a marked ballot that has been exhibited by an absentee voter with intent to influence other voters. If the voter improperly marks or otherwise damages a ballot, the voter may request, and the election official shall provide the voter with another ballot up to a maximum of three. Exhibited, improperly marked, or damaged ballots shall be destroyed. The numbers of all ballots destroyed shall be noted on the ballot statement.
- (e) Each election official shall keep a record of the names and the signatures of voters who cast absentee ballots before the election official and the dates on which the ballots were cast.
- (f) Fifteen minutes before the closing of the vote center, and at the time of closing the voter center, an election official shall announce both the designated closing time and the actual time at which the announcement is made. Failure to make the announcement at 15 minutes before closing time shall not in any way invalidate the election or extend the time for closing of the voter center. After closing, no person will be allowed to enter the voter center for purposes of voting. Every qualified voter present and in line at the time prescribed for closing the voter center may vote.
- (g) When the vote centers are closed and the last vote has been cast, the election official shall account for all ballots by completing a ballot statement containing, in a manner prescribed by the clerk, the number of official ballots supplied.

**6.30.070 – Absentee Voting – By Mail.**

- (a) A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held nor less than seven days before an election. A voter may request his name be placed on permanent absentee by mail status. The application shall include the address to which the absentee ballot is to be returned, the applicant's full Alaska residence address, and the applicant's signature.
- (b) After receipt of an application for an absentee ballot by mail, the clerk shall send the absentee ballot and other absentee voting material to the applicant by first class mail. The materials shall be sent as soon as they are ready for distribution. The return envelope sent with the materials shall be addressed to the clerk.
- (c) Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, United States postal official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the small envelope, to place the small envelope in the larger envelope, and to sign the voter's certificate on the back of the larger envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date his signature. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall have the ballot witnessed by a person over the age of 18 years.
- (d) An absentee ballot must be marked and attested on or before the date of the election. If the voter returns the ballot by mail, he shall use the most expeditious mail service and mail the ballot not later than the day of the election to the clerk. It must be postmarked on or before midnight of Election Day and received by the clerk no later than noon on the seventh day following the election. Ballot envelopes received after that time shall not be opened but shall be marked "invalid", with the date of receipt noted thereon, and shall be preserved with other ballots of the election.
- (e) The clerk may require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of his identity.
- (f) The clerk shall maintain a record of the name of each voter to whom an absentee ballot is sent by mail. The record must list the date on which the ballot is mailed and the date on which the ballot is received by the clerk and the dates on which the ballot was executed and postmarked.

**6.30.080 – Absentee Voting – By Electronic Transmission.**

- (a) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven (7) days prior to the election, the ballot will be mailed in the manner provided in KMC 6.35.070 for absentee ballots by mail. The clerk will provide reasonable conditions for electronically transmitting absentee ballots.
- (b) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the vote center is acceptable.
- (c) An absentee ballot that is completed and returned by the voter by electronic transmission must:
  - 1. Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to

- the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and
2. Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by one United States citizen who is 18 years of age or older.
- (d) The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the clerk. The ballot may not be counted unless it is received by noon on the seventh (7<sup>th</sup>) day after the election.
- (e) A voter who returns the absentee ballot by electronic transmission must comply with the same deadlines as for voting in person on or before the closing hour of the vote centers.
- (f) When a completed absentee ballot is received by electronic transmission, the clerk will note the date of receipt on the absentee ballot application log and, if the ballot is received on Election Day, the time of receipt. The clerk will then:
1. Remove the ballot portion of the transmission from the portion that identifies the voter;
  2. Place the ballot portion in a secrecy sleeve;
  3. Seal the secrecy sleeve in an outer envelope of the type used for absentee ballots returned by mail, and seal that envelope;
  4. Attach the voter identification portion to the outer envelope; and
  5. Forward the outer sealed envelope to the canvas board for review.
- (g) An electronically transmitted ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast his or her ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast his or her ballot to any person other than the clerk, a member of the clerk's staff, an election official in the course of his or her duties, or an attorney advising the clerk on legal questions concerning the ballot.

### **6.30.090 – Special Needs Voting.**

A qualified voter with a disability who, because of that disability, is unable to go to a vote center to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

### **6.30.100 – Prohibitions.**

- (a) During the hours that the vote centers are open, no election official may discuss any political party, candidate or issue while on duty.
- (b) During the hours the vote centers are open, no person who is in the voter center or within 200 feet of any entrance to the voter center may attempt to persuade a person to vote for or against a candidate, proposition or question. Nor may any person conduct other political activities that may pertain to any future election or potential ballot proposition. The election official shall post warning notices in the form and manner prescribed by the clerk.
- (c) No voter may exhibit a ballot to an election official or any other person so as to enable any person to ascertain how the voter marked the ballot, except as provided in this chapter.
- (d) While the vote centers are open no election official may open any ballot received from a voter, mark a ballot by folding or otherwise so as to be able to recognize it, or otherwise attempt to learn how a voter marked a ballot, or allow the same to be done by another person.
- (e) No person may leave the voter center with the official ballot that the person received to mark.



**6.30.110 – Assisting Voter.**

A qualified voter who cannot read, mark the ballot, or provide a signature may request assistance from an election official or not more than two persons of the voter's choice. If the election official is requested, the official shall assist the voter. If any other person is requested, the person providing assistance shall state upon oath before the election official that the voter's ballot will be kept confidential.

**6.30.120 – Spoiled Ballots.**

The election supervisor shall specify uniform procedures for replacement, registration and disposition of spoiled ballots. These uniform procedures shall be provided in writing to the election judges.

**6.30.130 – Placing Ballot in Ballot Box.**

When the voter has marked the ballot, the voter shall inform the election official. The clerk may require that the voter return the ballot to the election official temporarily so that any stub which may be part of the ballot may be removed by the election official. Any such requirement shall protect the secrecy of the ballot. In all cases the ballot shall be deposited in the ballot box by the voter in the presence of the election official unless the voter requests the election official to deposit the ballot.

Chapter 6.35  
Ballot Counting Procedures.

**6.35.010 – Commencement of Ballot Count.**

Upon receipt of voted ballot packages the election official will verify that the voter has provided at least one identifier, signed the envelope and that the signature has been witnessed. If the ballot package is complete and valid, the package will be sorted by precinct and the ballot and identifying envelope will be separated. The ballot will proceed to be scanned and counted. The unofficial results will not be tallied until the end of the designated election period.

**6.35.020 – General Procedure for Ballot Count.**

The clerk may issue rules prescribing the manner in which the precinct ballot count is accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4) the number of official ballots unused and destroyed. Discrepancies shall be noted and the numbers included in the certificate prescribed by the clerk. When hand counting ballots, the election official shall count the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may have a marking device in hand or remove a ballot from the immediate vicinity.

**6.35.030 – Rules for Counting Hand-Marked Ballots.**

- (a) The election officials shall count hand marked ballots according to the following rules:
1. A voter may mark his or her ballot with a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, star, circle, asterisk, check or plus sign using the

parking device provided at the vote center or with any black-inked marker. The marks will be counted only if they are clearly spaced in the square opposite the name of the candidate the voter desires to designate.

2. A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
4. If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
5. The mark specified in subsection 1 of this section shall be counted only if it is substantially inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square marked.
6. Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates properly marked.
7. An erasure or correction invalidates only that section of the ballot in which it appears.

(b) The rules set out in this section are mandatory and there shall be no exceptions to them. A ballot may not be counted unless marked in compliance with these rules.

#### **6.35.040 – Write-in Votes.**

- (b) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.
- (c) In order to vote for a write-in candidate, the voter must write a candidate's name in the space provided and, in addition, mark the square opposite the candidate's name in accordance with KMC 6.35.030(a). Stickers may not be used. Use of stickers can cause that portion of the ballot to be invalidated.
- (d) Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

#### **6.35.050 – Disqualified Candidate.**

Votes cast for a candidate who is disqualified shall not be counted for any purpose.

#### **6.35.060 – Tally of Votes.**

Tally of votes cast by paper ballots. The clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy and to expedite the process. The election board shall canvass and count the votes according to the rules for determining marks on ballots prescribed in KMC 6.30.030. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the election supervisor may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.

#### **6.35.070 – Completion of Ballot Count.**

When the tally of hand counted ballots is completed, and in no event later than the day after the election, the election board shall make a certificate in duplicate of the results. The certificate includes the number of votes cast for each candidate, for and against each proposition, yes or no on each question, and any additional information prescribed by the election supervisor. The election board shall, immediately upon completion of the certificate or as soon thereafter as the local mail service permits, send in one sealed package to the election supervisor one copy of the certificate and the register. In addition, all ballots properly cast shall be mailed or hand delivered to the election supervisor. The package shall clearly indicate the precinct from which it came. To assure adequate protection the election supervisor shall prescribe the manner in which the ballots, registers and all other election records and materials are thereafter preserved, transferred and destroyed.

#### Chapter 6.40 Canvassing and Certification of Election Results.

##### **6.40.010 – Canvass Board.**

(a) Pursuant to the provisions of Section 10-9 of the Charter of the City of Kenai, there is hereby established a Canvassing Board for the canvassing of all City elections; regular and special, and to ascertain and declare the results thereof, as follows:

(1) The City Clerk is hereby designated as the Chair of the Canvassing Board.

(2) The Canvassing Board shall consist of the City Clerk and up to eight (8) additional judges selected from among the qualified voters of the city. In the event any such appointed member of the Board is absent from the city, ill, or otherwise unable to attend at the time set for canvassing the ballot, the City Clerk is hereby authorized to appoint another election judge from the same precinct to substitute for the appointed member.

(b) All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution of the State of Alaska in the manner prescribed by the clerk.

##### **6.40.020 – Preparation for Counting Ballots Delivered by Mail.**

(a) Ballots may not be counted before 8:00 p.m., local time, on the day of the election.

(b) Not sooner than the tenth day before the date of an election, in preparation for counting ballots delivered by mail, the election supervisor may:

1. begin opening return identification and secrecy envelopes of ballots delivered by mail and received; and
2. take any other actions that are necessary to allow the counting of ballots delivered by mail to begin at 8:00 p.m., local time, on election day.

##### **6.40.030 – Canvass of Returns.**

(a) The canvassing board shall meet on the Tuesday following each election, the election canvass board shall meet in public session and canvass all election returns. In full view of those present, the election canvass board shall judge the applicability of by mail and absentee ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. Upon completion of the canvass, the canvassing board shall prepare a final certificate of the results of votes cast by absentee ballot and of votes cast by mail ballot, and shall prepare a written report of the results.

(a) The clerk, as chair of the canvassing board, shall report the results of the election to the council at the next regular council meeting following the meeting of the canvassing board.

#### **6.40.040 – Voters Not on Official Registration List.**

A person whose registration has been canceled under AS 15.07.130(b) shall not have their ballot counted.

#### **6.40.050 – Certification of the Election Results.**

- (b) At the next regular council meeting following the meeting of the canvassing board, the council shall meet in public session to receive the report of the canvass board. If, after considering the report, the council determines that the election was validly held, the election shall be certified by resolution and entered upon the minutes of the meeting, together with the total number of votes cast for each candidate and for or against each proposition or question.
- (c) If the canvass board reports that a failure to comply with provisions of state law and city ordinances, or an illegal election practice has occurred, and that such failure is sufficient to change the outcome of the election, then the council may exclude the votes cast in one or more precincts where such failure or illegal practices occurred from the total returns, or may declare the entire election invalid and order a new election.
- (d) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the council may order a recount of votes cast in said precinct or precincts. Such recount shall be conducted immediately by the canvass board and the results shall be reported to the council. The council shall meet as soon as possible to certify the results of the election recount.
- (e) Upon certification of a valid election, the clerk shall deliver to each person elected to office a certificate of election, signed by the clerk and authenticated by the seal of the city, in accordance with City Charter, Section 10-9.

### Chapter 6.45 Election Recount.

#### **6.45.010 – Recount Application.**

- (a) Any defeated candidate or any ten (10) qualified voters, who believe that a mistake has been made by an election official or by the canvass board in counting the votes in any election, may make an application in writing to the clerk for a recount of the votes for any particular office or on any particular question. The application must be filed in the office of the City Clerk within twenty-four (24) hours, excluding any Saturday, Sunday, or holiday after the council certifies the results of the vote being questioned. In case of a tie vote between two (2) or more candidates, to which only one candidate is to be elected, the clerk shall initiate a recount.
- (b) The application shall include a deposit in cash or by certified check for the amount listed in the most current City of Kenai Schedule of Rates, Charges and Fees. The deposit shall be applied against any costs incurred or refunded if there is no liability for recount costs.
- (c) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular precinct, office, proposition or question for which the recount is to be held and shall state that the person making the application is a candidate or that the ten persons making the application are qualified voters. The candidate or person making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. Applications by ten qualified voters shall also include the

designation of one of the number as chairman. The candidate or persons making the application shall sign the application and shall print or type their full name and mailing address.

#### **6.45.020 – Date of Recount – Notice.**

- (a) If the clerk determines that the application is substantially in the required form, the clerk shall fix the date of the recount to be held within forty-eight (48) hours, excluding any Saturday, Sunday, or holiday, after the receipt of an application requesting a recount of the votes in a city election after it has been initiated under KMC 6.45.010.
- (b) The clerk shall give the recount applicant and other directly interested parties notice of the time and place of the recount by telephone or electronic transmission.

#### **6.45.030 – Procedure for Recount.**

- (a) If a recount of ballots is demanded, the clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots or those precincts cited in the application for recount.
- (b) In conducting the recount, the recount board shall review all ballots to determine which ballots or parts of ballots, were properly marked and which ballots are to be counted in the recount, and shall check the accuracy of the original count, the precinct certificate, and the review. For administrative convenience, the clerk may join and include two or more applications in a single review and count of votes. The rules governing the counting of marked ballots shall be followed in the recount.
- (c) The ballots and other election materials shall remain in the custody of the clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration or mutilation. The recount shall be completed within ten (10) days.

#### **6.45.040 – Certification of Recount Result.**

Upon completion of the recount, the recount board shall meet and adopt a report of the results of the recount for submission to the council. The council shall abide by procedures for issuing a certificate of the election as set forth in this title. The clerk shall promptly issue another election certificate if a change in the results requires it.

#### **6.45.050 – Return of Deposit and Apportionment of Expenses Upon Recount.**

If, upon recount, a different candidate or position on a proposition or question is certified or if the vote on recount is four percent (4%) or more in excess of the vote originally certified for the candidate or position on a proposition or question supported by the recount application, the entire deposit shall be refunded to the recount applicant; otherwise, it shall be placed in the general fund of the City. If this section does not require that the entire deposit be refunded, the clerk shall refund any money remaining after the cost of the recount has been paid from the deposit. If it is determined that the contestant shall bear the costs of the recount pursuant to this section, and the deposit is insufficient to cover the costs, the City may recover the excess costs from the contestant. If the recount is obtained by voters, each of them shall be individually liable for the whole amount of such expense.

#### **6.45.060 – Appeal to the Courts After Recount.**

Any candidate or a majority of the persons who requested a recount who have reason to believe that an error has been made in the recount involving any candidate or question, may appeal to

the Superior Court in accordance with applicable court rules governing appeals in civil matters. The filing of the appeal and the proceedings shall be, as nearly as may be, as in case of such an appeal made after a recount in a State election.

Chapter 6.50  
Contest of Election.

**6.50.010 – Grounds for Election Contest.**

A candidate or any ten (10) qualified voters of the city may contest the election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:

- (a) Malconduct, fraud or corruption by an election official sufficient to change the result of the election;
- (b) The person elected is not qualified under law or ordinance; or
- (c) Existence of a corrupt election practice, as defined by the laws of the State of Alaska, sufficient to change the result of the election.

**6.50.020 – Contest Procedure.**

- (a) Notice of contest of an election shall be submitted in writing to the clerk before five p.m. on the day of the certification of the election or to the council at its meeting to certify the election returns. The notice of contest shall specify the election being contested, the grounds of the contest, and shall bear the notarized signatures of the candidate or qualified voters bringing the contest. The notice shall be in substantially the following form:

NOTICE OF ELECTION CONTEST

The undersigned contest the regular (or special) election of the City of Kenai held on the \_\_\_\_\_ day of \_\_\_\_\_ . The grounds for the contest are as follows:

Signature and date

(Notarization)

- (b) Upon receiving a notice of contest, the council shall order an investigation be conducted by the clerk and city attorney. Those contesting the election, those whose election is contested, and the public shall be allowed to attend all investigation and recounting proceedings.
- (c) If the contest involves the eligibility of voters, the council shall direct the clerk to recheck the most current state registration lists. After considering the reports of the investigating officials and any other proof, the council shall determine whether any illegally cast votes could have affected the election results. If they could not have, the council may so declare and determine the election valid and certify the results pursuant to this title.
- (d) If the contest involves other prohibited election practices which are shown to have taken place, the council, in certifying the election returns, shall exclude the vote of the precincts where such practices occurred. If it is determined that such exclusion could not affect the election results, the council shall declare the election valid and certify the results pursuant to this title.
- (e) The contestants shall pay all costs and expenses incurred in a recount of an election as provided by KMC 6.45.010.

**6.50.030 – Appeal or Judicial Review.**

A person may not appeal or seek judicial relief of an election for any cause or reason unless the person is qualified to vote in the city, has exhausted all administrative remedies before the council, and has commenced within ten (10) days after the council has finally declared the election results.

an action in the superior court. If an action under this section is not commenced within the ten-day period, the election and the election result shall be conclusive, final, and valid in all respects.

Chapter 6.55  
Special Elections.

**6.55.010 – Procedure.**

The clerk shall conduct special elections in accordance with the procedures set out in this title for a regular election.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That this ordinance shall take effect on January 1, 2021.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this \* day of \*, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: May 20, 2020  
Enacted: \*, 2020  
Effective: \*, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** August 13, 2020  
**SUBJECT:** **Substitute Ordinance No. 3127-2020**

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At the July 1 meeting I was asked to incorporate amendments provided in the amendment memo dated June 24, 2020 into a substitute ordinance; those amendments have been incorporated into the provided substitute ordinance. I also incorporated the date that the Kenai Peninsula Borough Assembly (KPB) adopted their similar ordinance and updated the effective date to match the effective date of the borough's ordinance (January 1, 2021).

Additionally, references to a runoff election in sections 6.10.030 and 6.25.020 were discovered and removed; the Charter indicates that the candidate(s) receiving the highest number of votes shall be elected and, in the event of a tie, the election shall be determined by lot. For these reasons, the City will not encounter a runoff election. These were initially missed when copying the sections from the borough's ordinance.

Finally, section 6.15.030 – Review of Candidate Qualifications, has been removed in its entirety and the section reserved as it may conflict with Charter. As previously explained, this section was incorporated from an ordinance the Kenai Peninsula Borough adopted in January to provide a procedure for the Clerk to determine candidate qualification. Charter section 10-10 indicates that Council shall be the judge of the qualifications of its own members. I still recommend that there be a process to determine qualifications outlined in the code but I would like to bring a revised recommendation back to you in a future ordinance where the clerk facilitates the process but leaves the ultimate decision to the Council to be more in harmony with the Charter.

Your consideration is appreciated.





Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3150-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, WAIVING KENAI MUNICIPAL CODE 21.10.130- LEASE EXECUTION AND APPROVING A LEASE EXECUTION EXTENSION TO MAY 31, 2021 TO SCHILLING RENTALS, LLC FOR LOT 5A, BLOCK 1, FBO SUBDIVISION 2018 REPLAT.

WHEREAS, the Kenai City Council approved of a 45-year lease application from Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat to be used as a hangar for rotor and fixed-wing aircraft and crew quarters with an expected tenant to provide emergency medical flights; and,

WHEREAS, a 60-day extension allowed by Kenai Municipal Code 21.10.130 was granted by the City Manager with good cause of the COVID-19 public health emergency for the execution of a lease agreement; and,

WHEREAS, Schilling Rentals, LLC has provided a letter to the City requesting a lease execution extension greater than the 60 days allowed by Kenai Municipal Code 21.10.130 due to the unforeseen circumstances of the COVID-19 public health emergency and its impact on their business plans; and,

WHEREAS, Schilling Rentals, LLC anticipates a spring 2021 start for construction of the hangar and facility detailed in the lease application; and,

WHEREAS, the project will enhance public safety and quality of life while providing economic development on property leased from the City within the Kenai Municipal Airport Reserve; and,

WHEREAS, the City of Kenai Airport Commission recommended approval of this extension during its meeting on July 9, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That KMC 21.10.130 is hereby waived due to the COVID-19 public health emergency for the exclusive purpose of granting a lease execution extension to Schilling Rentals, LLC to May 31, 2021, for Lot 5A, Block 1, FBO Subdivision 2018 Replat.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances.

Ordinance No. 3150-2020  
Page 2 of 2

The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: September 18, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** July 28, 2020

**SUBJECT:** **Ordinance 3150-2020 - Lease Execution Extension to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision**

---

City Council approved of a 45-year lease application from Schilling Rentals, LLC earlier this year for Lot 5A, Block 1, FBO Subdivision 2018 Replat at 413 North Willow Street to be used as a hangar for rotor and fixed-wing aircraft and crew quarters. The application detailed that Guardian Flight, LLC was expected to utilize the premises to support emergency medical flights. Kenai Municipal Code 21.10.130 requires a lease be executed within 60 days of the applicant being mailed a lease form for signature. If the applicant shows good cause, the City Manager may grant an extension not exceeding 60 days for the applicant to execute and return a signed lease. The City Manager found good cause due to the COVID-19 public health emergency to grant a 60-day extension to the execution of the lease for Lot 5A. This extended the deadline for the execution and signature of the lease to September 20, 2020.

Schilling Rentals has requested a greater extension for signing the lease than the 60 days allowed by Kenai Municipal Code due to the unforeseen circumstances created by the COVID-19 public health emergency. If City Council approves, Ordinance 3150-2020 would extend the date for Schilling Rentals, LLC to execute the lease and sign the lease agreement with the City to May 31, 2021.

The Airport Commission recommended approval of the lease execution extension by City Council during their meeting on July 9, 2020.

Thank you for your consideration.

Attachment:

Letter dated July 1, 2020 from Schilling Rentals, LLC requesting a lease execution extension from July 20, 2020 to May 31, 2021

Schilling Rentals LLC  
PO Box 3426  
Kenai, AK 99611  
907.283.7556 FAX: 907.283.7555

July 1, 2020

City of Kenai  
Attn: Paul Ostrander, City Manager  
210 Fidalgo St  
Kenai, AK 99611

***Re: Lot 5A Block 1, FBO Subdivision***

Dear Mr. Ostrander:

We have received notification from the City of Kenai that the subject property lease, approved March 18, 2020, must be signed and executed on or before July 20, 2020.

Schilling Rentals, LLC (SR) will be pleased to complete the lease and begin construction of a hangar and facility for a new company based at the Kenai Airport that will enhance our community's quality of life.

Due to the global Covid-19 pandemic, the market is dramatically different than when original plans were announced in March. Subsequently, we seek additional time to complete the necessary steps required prior to lease signing. We anticipate a Spring of 2021 groundbreaking ceremony and, as such, seek a new deadline of May 31, 2021. Please note: if changes occur that will allow an earlier start date, there will be no hesitation from SR to immediately sign and began construction of this worthy project

Thank you for your consideration.

Respectfully,



Michael Schilling  
Managing Member



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** August 14, 2020

**SUBJECT:** **Ordinance No. 3150-2020 - Lease Execution Extension to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision**

---

The Airport Commission recommended approval of Ordinance No. 3150-2020 at their meeting on August 13, 2020. Ordinance No. 3150-2020 incorrectly states this went before the Airport Commission on their meeting on July 9, 2020. I recommend amending the final WHEREAS clause on Ordinance No. 3150-2020 to correctly reflect the date the Airport Commission recommended approval. Thank you for your consideration.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3151-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE TERMINAL IMPROVEMENTS CAPITAL FUND, AND AUTHORIZING AN INCREASE TO THE CONSTRUCTION PURCHASE ORDER TO BLAZY CONSTRUCTION, INC.

WHEREAS, the City of Kenai executed a Construction Agreement with Blazy Construction, Inc. on October 1, 2018 for the Terminal Rehabilitation Project in the amount of \$10,985,994; and,

WHEREAS, Council, through enactment of Ordinance 3037-2018 authorized the City Manager to issue a Purchase Order in the amount of \$11,485,994 for the Contract amount of \$10,985,994 including \$500,000 of contingency funding; and,

WHEREAS, Council, through enactment of Ordinances 3060-2019, 3080-2019, 3097-2019 and 3111-2020 increased estimated revenues and appropriations by \$1,012,858.30 to provide for continued project contingency funds and increased the purchase order amount to \$12,498,852.30; and,

WHEREAS, to date the City has executed nine change orders totaling \$1,195,962.41; and,

WHEREAS, a pending Change Order #10 in the amount of \$365,950.36 would be funded through this Ordinance, and bring the total Change Orders to date to \$1,561,912.77; and,

WHEREAS, within Change Orders 1-10, \$82,782.43 has been determined to be ineligible for FAA reimbursement; and

WHEREAS, the Federal Aviation Administration grant eligible portion of Change Orders 1-10 has been determined to be \$1,479,130.34 with the FAA share as \$1,310,065.74 and the City of Kenai's share as \$169,064.60; and,

WHEREAS, the total of all Change Orders to date of \$1,561,912.77 will be funded by \$1,310,065.74 from the FAA and \$251,847.03 from the City of Kenai; and

WHEREAS, Administration is requesting appropriation of the additional eligible federal share and an increase to the authorized purchase order amount to Blazy Construction, Inc. With the intention that this is the final change order and no additional contingency will be needed; and,

WHEREAS, once complete, the authorized purchase order and contract amount to Blazy Construction, Inc. will be \$12,547,906.77.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$297,207.44 for the grant eligible portions of Change Orders 9 & 10 to Blazy Construction, Inc.

**Section 2.** The City Manager is authorized to increase Purchase Order No. 116510 to Blazy Construction, Inc. by \$49,054.47.

**Section 3.** That the estimated revenues and appropriations be increased as follows:

Terminal Improvement Capital Project Fund:	
Increase Estimated Revenues –	
FAA Grant	<u>\$297,207.44</u>
Increase Appropriations:	
Construction	<u>\$297,207.44</u>

**Section 4.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


**Section 5.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** July 30, 2020  
**SUBJECT:** Ordinance No. 3151-2020

---

The Kenai Municipal Airport Terminal Rehabilitation Project is finally nearing its completion. The project reached Substantial Completion on March 27, 2020 and was completed under budget. For the last four months staff, the design team, and contractor have been coordinating to complete additional items that were not in the original scope of work for the project. Items like replacement of the facilities existing main boilers, and terminal wide furnishings. Both of which were left out of the original scope due to budget concerns.

The Federal Aviation Administration is allowing the additional items to be completed under the same grant conditions as the original work, being able to complete these items now is a great cost advantage to the City.

To summarize the project our Original Contract with Blazy Construction was for \$10,985,994. Throughout the course of the almost two year project we have processed ten change orders totaling \$1,561,912.77 which equates to an approximately 14.2% increase.

Change Order costs associated with asbestos abatement total \$551,235.54, approximately 35.3% of all change order costs. The costs associated with the replacement boilers and terminal furniture total \$323,548.26, approximately 20.7% of all change order costs. The remaining \$687,128.97, approximately 44% of all change orders were largely directed to correcting other unforeseen conditions. Bringing discovered issues up to code, as well as coordinating to keep the various businesses operational during the multiple phases of the project.

All in all this project was very successful for the City. I would like to express our appreciation to Wince Corthell Bryson the Design Engineer and their entire team as well as Blazy Construction and all of their subcontractors, without their efforts we would not have the terminal we have today.

Council's support of this Ordinance is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3152-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A PROJECT READY MINI GRANT FROM THE ALASKA STATE LIBRARY FOR IMPLEMENTING THE KNOW YOUR NEIGHBOR: KINDNESS KITS PROJECT AT THE KENAI COMMUNITY LIBRARY.

WHEREAS, the Kenai Community Library has been awarded funds in the amount of up to \$1,000 from the Alaska State Library for the implementation of the Know Your Neighbor: Kindness Kits project; and,

WHEREAS, the purpose of this project is to diversify the Library’s collection and to offer young patrons and their parents and caregivers resources that teach the importance of diversity, empathy, kindness and conflict resolution; and,

WHEREAS, it is in the best interest of the City to appropriate these funds for the purpose intended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$1,000 from the Alaska State Library, execute any necessary grant agreements, and to expend the grant in accordance with grant provisions and this Ordinance.

**Section 2.** That the estimated revenues and appropriations be increased as follows:

General Fund:

Increase Estimated Revenues –	
State Grants - Library	<u>\$1,000</u>
 Increase Appropriations –	
Library -- Books	\$666
Library – Operating, Repair & Maintenance Supplies	\$150
Library – Advertising	<u>\$184</u>
	<u>\$1,000</u>

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Katja Wolfe, Library Director

**DATE:** July 23, 2020

**SUBJECT:** **Ordinance No. 3152-2020 – Accepting and Appropriating A Project Ready Mini Grant from the Alaska State Library**

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The Alaska State Library has awarded the Kenai Community Library funds in the amount of up to \$1,000 to implement a project called Know your Neighbor: Kindness Kits. The purpose of this project is to diversify our collection and offer our young patrons resources that teach the importance of diversity, empathy, kindness, and conflict resolution.

I respectfully request consideration of the ordinance and accepting and appropriating these grant funds.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3153-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, APPROPRIATING EXCESS FUNDS RECEIVED FROM THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS.

WHEREAS, On July 7, 2020, the City completed the transaction to issue General Obligation Refunding Bonds to refund the City’s outstanding Library Expansion Bonds in the amount of \$1,194,604.46 including outstanding principle and accrued interest; and,

WHEREAS, issuance of these bonds resulted in a present value savings of \$122,192.29 to the City; and,

WHEREAS, the actual amount of proceeds from the issuance was \$1,213,482.20; and,

WHEREAS, the breakdown on use of the proceeds is as follows:

Outstanding Principle and Accrued Interest	\$1,194,604.46
Alaska Municipal Bond Bank Cost of Issuance	2,516.02
City of Kenai Bond Counsel Cost	10,077.35
Underwriting Discount	3,349.19
Additional Proceeds	<u>2,935.18</u>
	<u>\$1,213,482.20</u>

;and,

WHEREAS; appropriating the funds in excess of the outstanding principle and accrued interest for the payment of bond issuance costs and to reduce the debt service payments in FY2021, is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the estimated revenues and appropriations be increased as follows:

Debt Service Fund:

Increase Estimated Revenues –	
Proceeds from issuance of Debt	<u>\$18,877.74</u>
Increase Appropriations –	
Professional Services	\$15,942.56
Miscellaneous	<u>2,935.18</u>
	<u>\$18,877.74</u>

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** July 28, 2020

**SUBJECT:** **Ordinance No. 3153-2020 – Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds**

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The purpose of this memo is to recommend the enactment of Ordinance No. 3153-2020 that will appropriate excess proceeds from the issuance of general obligation refunding bonds to pay for bond issuance costs with remaining funds to reduce the City’s FY2021 debt service on the bonds.

On July 7, 2020, the City closed on general obligation refunding bonds that were issued to refund the outstanding Library Expansion Bonds the City issued in 2010. Proceeds from the newly issued bonds totaled \$1,213,482.20. Outstanding principle and accrued interest on the original bonds totaled \$1,194,604.46, providing \$18,877,74 in proceeds to pay for bond issuance costs, which totaled \$15,942.56 and \$2,935.18 to reduce the City’s FY2021 debt payment on the outstanding bonds.

Your support is respectfully requested.



Sponsored by: Administration

## CITY OF KENAI

### ORDINANCE NO. 3154-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A GRANT FROM THE NATIONAL MARINE FISHERIES SERVICE PASSED THROUGH THE PACIFIC STATES MARINE FISHERIES COMMISSION, ACCEPTING AND APPROPRIATING ADDITIONAL INSURANCE PROCEEDS, AND AWARDING A CONTRACT FOR REPAIR TO THE KENAI CITY DOCK FOR DAMAGE CAUSED BY EARTHQUAKES IN 2016 AND 2018 AND INSTALLATION OF A CATHODIC PROTECTION SYSTEM TO PREVENT CORROSION.

WHEREAS, the City of Kenai released an Invitation to Bid for the 2020 Kenai City Dock Repairs project on July 10, 2020, with Bids due on July 27, 2020; and,

WHEREAS, this Bid release was the City's 2<sup>nd</sup> attempt to procure these services this year as an Invitation to Bid released in May failed to render any bid responses; and,

WHEREAS, on July 27, 2020, Endries Company was the sole respondent to the latest Invitation to Bid with a Base Bid amount of \$215,875 for the damages associated with Earthquakes, and \$82,490 for Additive Alternate #1 which covered work associated with Cathodic Protection Repairs, for a total combined Bid of \$298,365; and,

WHEREAS, the additional funding for this project requested below is being provided by insurance restitution as well as a Federal Grant through the Pacific States Marine Fisheries Commission for the Gulf of Alaska Pink Salmon Disaster Relief; and,

WHEREAS, repairs to the dock are long overdue, and completion of this work will allow the dock to remain in service as a useful asset to the City; and,

WHEREAS, Administration supports this project, and completion is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$38,684.54 from the National Marine Fisheries Service passed through the Pacific States Marine Fisheries Commission, execute the needed grant agreements, and expend the funds in accordance with grant conditions and this ordinance.

**Section 2.** That the City Manager is authorized to accept insurance proceeds in the amount of \$88,441.08 to complete repairs to the Kenai City Dock for damage caused by earthquakes in 2016 and 2018.

**Section 3.** That estimated revenues and appropriations be increased as follows:

Kenai City Dock Improvement Capital Project Fund:

Increase Estimated Revenues –	
Restitution	\$ 88,441.08
Federal Grants	<u>38,684.54</u>
	<u>\$127,125.62</u>
 Increase Appropriations –	
Construction	<u>\$127,125.62</u>

**Section 4.** That a construction contract be awarded to Endries Company in the amount of \$298,365 and authorizing a purchase order in the amount of \$313,365, which includes a \$15,000 project contingency, for the project to complete repairs caused by 2016 and 2018 earthquakes and installation of a new cathodic protection system at the Kenai City Dock.

**Section 5.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


**Section 6.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 5, 2020  
Enacted: August 19, 2020  
Effective: August 19, 2020





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Scott Curtin, Public Works Director

**DATE:** July 30, 2020

**SUBJECT:** **Ordinance No. 3154-2020**

---

This memo is to request support and recommend approval of Ordinance 3154-2020 to complete the much needed repairs at the City Dock. The facility has incurred varying damages from earthquakes in 2016 and 2018 as well as active corrosion on the structural pilings that support the dock.

This project was previously released for bids twice, unsuccessfully, primarily due to a lack of interest and budget. On July 10, 2020 the project was released for a third time with Bids due on July 27, 2020. The City received a single bid, slightly above budget, however with assistance in the form of a grant from the National Marine Fisheries Service as well as proceeds from our insurance carrier, the project is within reach.

Council's support will allow this project to be completed, ensuring the dock will remain a useful asset to the City for years to come. Council's support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2020-68**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, DECLARING THE TEN-FOOT UTILITY EASEMENT ADJOINING THE SOUTHERN BOUNDARY OF LOT 4, EVENTYR SUBDIVISION (PLAT KN 83-1149) AND THE TEN-FOOT UTILITY EASEMENT EXCLUDING THE WEST TEN FEET ADJOINING THE NORTH BOUNDARY OF LOT 5 AND THE TEN-FOOT UTILITY EASEMENT ADJOINING THE NORTH AND EAST BOUNDARY OF LOT 6 EVENTYR SUBDIVISION NO. 2 (PLAT KN 86-75) DEDICATED ON PLAT KN 83-1149 AND PLAT KN 86-75 ARE NOT NEEDED FOR A PUBLIC PURPOSE AND CONSENTING TO THEIR VACATION.

WHEREAS, on July 8, 2020, by Resolution No. PZ2020-18 the Kenai Planning and Zoning Commission recommended that the Kenai Peninsula Borough Planning Commission approve of the preliminary plat of Eventyr Subdivision Addition No. 3; and,

WHEREAS, on August 10, 2020, the Kenai Peninsula Borough Plat Committee met and granted preliminary approval of the plat of Eventyr Subdivision Addition No. 3 consistent with the recommendation of the Kenai Planning and Zoning Commission; and,

WHEREAS, the utility vacations shown on the preliminary plat of Eventyr Subdivision Addition No. 3 are scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission on August 21, 2020; and,

WHEREAS, the City of Kenai received a letter on August 7, 2020 from the Kenai Peninsula Borough requesting comments on the proposed utility vacations shown on the preliminary plat of Eventyr Subdivision Addition No. 3; and,

WHEREAS, the surveyor has provided a letter from GCI Communication Corporation (GCI) dated June 17, 2020 that GCI has no objection to the proposed vacation of the utility lines; and,

WHEREAS, Kenai Municipal Code 22.05.110 - Determination as to need for public use, states City Council may vacate rights-of-way or easements by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the ten-foot utility easement adjoining the southern boundary of Lot 4, Eventyr Subdivision (Plat KN 83-1149) and the ten-foot utility easement excluding the west ten feet adjoining the north boundary of Lot 5 and the ten-foot utility easement adjoining the north and east boundary of Lot 6 Eventyr Subdivision No. 2 (Plat KN 86-75) dedicated by Plat KN 83-1149 and Plat KN 86-75 are not needed for a public purpose and consenting to their vacation.

**Section 2.** That this resolution takes effect immediately upon adoption.

---

Resolution No. 2020-68  
Page 2 of 2

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
BRIAN GABRIEL, SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

\_\_\_\_\_



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** August 11, 2020

**SUBJECT:** **Resolution No. 2020-68 – Utility Easement Vacation in Eventyr Subdivision**

---

The City of Kenai Planning and Zoning Commission recommended approval of the preliminary plat of Eventyr Subdivision Addition No. 3 with Resolution No. PZ2020-18 at their meeting on July 8, 2020. The plat affects the parcels described as Lot 4, Eventyr Subdivision and Lots 5 and 6, Eventyr Subdivision No. 2 and reconfigures the three lots into two larger lots. Adjusting the lot lines will put the driveway to access the proposed Lot 4A on the same parcel as the residence it accesses. Adjusting the lot lines will also resolve a nonconformity by placing the detached garage on the same parcel as the residence on the proposed Lot 5A; having the garage on a separate parcel without a primary structure is not allowed by Kenai Municipal Code.

The preliminary plat dedicates a ten-foot (10') utility easement adjacent to the rights-of-way of Colonial Drive and Lawton Drive. The preliminary plat also vacates the utility easements along the southern ten feet (10') of Lot 4, Eventyr Subdivision, the northern ten feet (10') of Lots 5 and 6, Eventyr Subdivision No. 2, and the eastern ten feet (10') of Lot 6, Eventyr Subdivision No. 2 that were dedicated on Plat KN 86-75 and Plat KN 83-149. The preliminary plat does not amend road rights-of-way.

Kenai Municipal Code 22.05.110, Determination as to the need for public use the Kenai City Council may vacate rights-of-way or easements by resolution. If approved by the Kenai City Council, a copy of Resolution No. 2020-70 will be sent to the Kenai Peninsula Borough Planning Commission before their public hearing on the vacation petition on August 24, 2020.

**Attachments:**

- Notice from Kenai Peninsula Borough of Utility Easement Vacation
- Preliminary Plat of Eventyr Subdivision Addition No. 3
- Maps (Aerial and Schematic)



# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

**RECEIVED**

CITY OF KENAI

DATE 8/7/20

PLANNING DEPARTMENT

Charlie Pierce  
Borough Mayor

## NOTICE OF PROPOSED UTILITY EASEMENT VACATION

Notice is hereby given that an application to vacate a utility easement in the City of Kenai was received on 7/28/2020 by the Planning Department of the Kenai Peninsula Borough.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of properties within a 300-foot radius must be notified of the proposed vacation. According to Borough records, you are an owner of property within that radius or you are an affected party.

- A. Location: Vacate the 10 foot utility easement adjoining the southern boundary of Lot 4, Eventyr Subdivision (Plat KN 83-149), the 10 foot utility easement, excluding the west 10 feet, adjoining the north boundary of Lots 5, and the 10 foot utility easement adjoining the north and east boundary of Lot 6 Eventyr Subdivision No. 2 (Plat KN 86-75), granted by Eventyr Subdivision (Plat KN 83-149) and Eventyr Subdivision No. 2 (Plat KN 86-75); within SW1/4, Section 34, Township 6 North, Range 11 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File 2020-079V
- B. Purpose as stated in petition: Easement not used. Provides more useful area to lots.
- C. Petitioner(s)/Owner(s): Molly E. Hannigan and Christopher Johnson of Kenai, AK.

The proposed utility easement vacation petition will be scheduled for the Planning Commission's meeting scheduled for **Monday, August 24, 2020 at 7:30 p.m.**

Written comments may be submitted to Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Written comments may also be submitted by email to Peggy Clements (PClements@kpb.us) or the Planning Department (planning@kpb.us). **The Planning Department recommends that written comments be received by 1:00 P.M., Friday, August 21, 2020.**

For additional information, contact Peggy Clements (PClements@kpb.us), Julie Hindman (jhindman@kpb.us) or Planning Department (planning@kpb.us), 907-714-2200 (1-800-478-4441 Toll Free within the Kenai Peninsula Borough). Fax number is 907-714-2378.

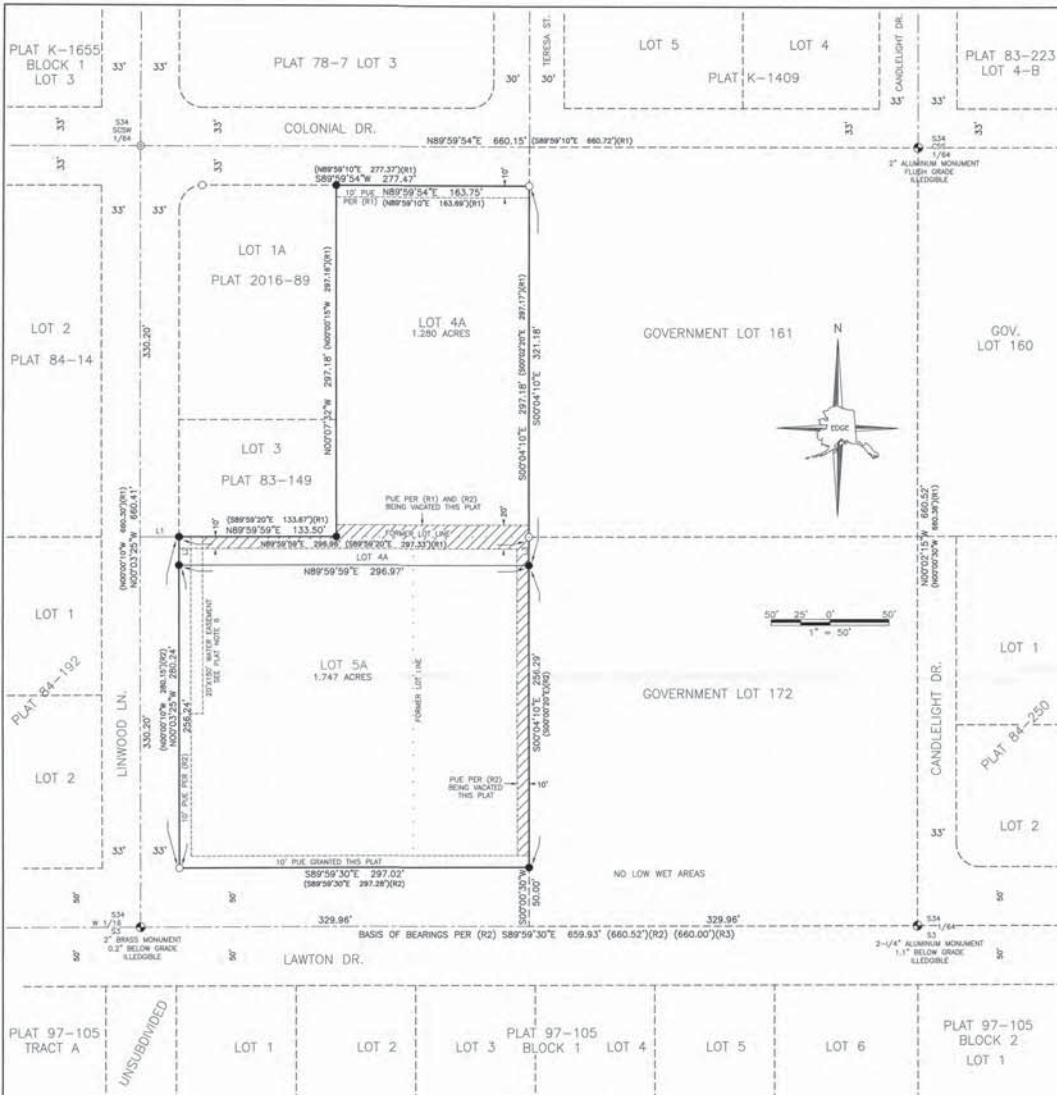
**Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:**

The meeting will remain open to the public and are invited to participate. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through

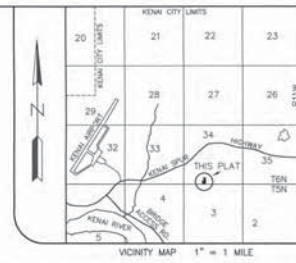
Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID of **208 425 9541**. If you connect by computer and do not have speakers or a microphone, if wishing to comment, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>.

If you have questions or experience technical difficulties, please contact the Planning Department at (907) 714-2200.

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.



- NOTES**
1. THIS PLAT IS SUBJECT TO CITY OF KENAI ZONING REGULATIONS.
  2. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE AND LOCAL REGULATIONS.
  3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  4. FORMER LOT 4, PLAT 83-149, IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
  5. PORTION OF THIS SUBDIVISION IS SUBJECT TO A INGRESS AND EGRESS EASEMENT, RECORDED MAY 15, 2006, SERIAL NO. 2006-004622-0, KENAI RECORDING DISTRICT.
  6. PORTION OF THIS SUBDIVISION IS SUBJECT TO A INGRESS AND EGRESS AND WATER UTILITY EASEMENT, RECORDED OCTOBER 19, 2006, SERIAL NO. 2006-011437-0, KENAI RECORDING DISTRICT.
  7. EXCEPTION TO KPB CODE 20.30.170-BLOCK LENGTH, 20.30.030-PROPOSED STREET LAYOUT AND 20.30.230 DOUBLE FRONTAGE WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE AT THE AUGUST 10, 2020 MEETING.
  8. UTILITY EASEMENTS THAT ARE BEING VACATED THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 2020.
  9. WASTEWATER DISPOSAL: THE PARENT SUBDIVISIONS FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON NOVEMBER 1, 1982 AND MARCH 13, 1986. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



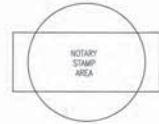
**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

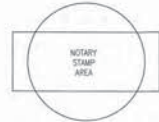
MOLLY E. HANNIGAN  
108 LINWOOD LANE  
KENAI, ALASKA 99611

CHRISTOPHER ETHERIDGE  
PO BOX 1406  
KENAI, ALASKA 99611

**NOTARY ACKNOWLEDGEMENT**  
FOR: MOLLY E. HANNIGAN  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
PUBLIC NOTARY SIGNATURE  
MY COMMISSION EXPIRES \_\_\_\_\_



**NOTARY ACKNOWLEDGEMENT**  
FOR: CHRISTOPHER ETHERIDGE  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
PUBLIC NOTARY SIGNATURE  
MY COMMISSION EXPIRES \_\_\_\_\_



- LEGEND**
- FOUND PRIMARY MONUMENT AS REFERENCED
  - FOUND 5/8" REBAR
  - ⊗ FOUND MAGNETIC NAIL AT SURFACE
  - SET PROPERTY CORNER 3/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EASEMENT SURVEY LS-13022 2020
  - ▨ UTILITY EASEMENT BEING VACATED THIS PLAT
  - SUBDIVISION BOUNDARY
  - INTERIOR LOT LINE
  - ADJACENT PROPERTY LINE
  - CENTERLINE
  - EASEMENT
  - FORMER LOT LINE
  - (R1) RECORD DATA, SEE REFERENCE
  - PUE PUBLIC UTILITY EASEMENT

- REFERENCES**
- (R1) PLAT NO. 83-149, EVENTYR SUBDIVISION, KENAI RECORDING DISTRICT
  - (R2) PLAT NO. 86-75, EVENTYR SUBDIVISION NO.2, KENAI RECORDING DISTRICT
  - (R3) PLAT NO. 95-105, FIVE IRON HEIGHTS SUBDIVISION, KENAI RECORDING DISTRICT

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N89°56'35"E	33.00'
L2	S00°03'23"E	24.00'
L3	S00°04'10"E	24.00'

**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 24, 2020.  
KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL \_\_\_\_\_

**CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF**  
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:  
UTILITY EASEMENTS AND PARCELS CREATED BY THIS PLATTING ACTION ALONG WITH UTILITY EASEMENTS BEING VACATED THIS PLATTING ACTION, AS DEPICTED ON PLAT.  
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: PAUL OSTRANDER - CITY MANAGER DATE  
CITY OF KENAI  
210 FIDALGO AVE.  
KENAI, ALASKA 99611

**CERTIFICATE OF SURVEYOR**  
I, MARK AMONETTI 13022-5, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2020-

**EVENTYR SUBDIVISION NUMBER 3**

A SUBDIVISION OF  
LOTS 4 EVENTYR SUBDIVISION  
PLAT 83-149  
AND  
LOTS 5 AND 6  
EVENTYR SUBDIVISION NO. 2  
PLAT 86-75  
KENAI RECORDING DISTRICT

**OWNERS:**  
MOLLY E. HANNIGAN  
108 LINWOOD LANE  
KENAI, ALASKA 99611  
AND  
CHRISTOPHER ETHERIDGE  
PO BOX 1406  
KENAI, ALASKA 99611

LOCATED WITHIN SW 1/4 SECTION 34,  
T.6N., R.11W., S.4M.  
CITY OF KENAI  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT  
STATE OF ALASKA  
CONTAINING 3.027 ACRES



12501 OLD SEWARD, S ANCHORAGE, AK 99515  
Phone (907) 344-5990 Fax (907) 344-7794  
AEC# 1392

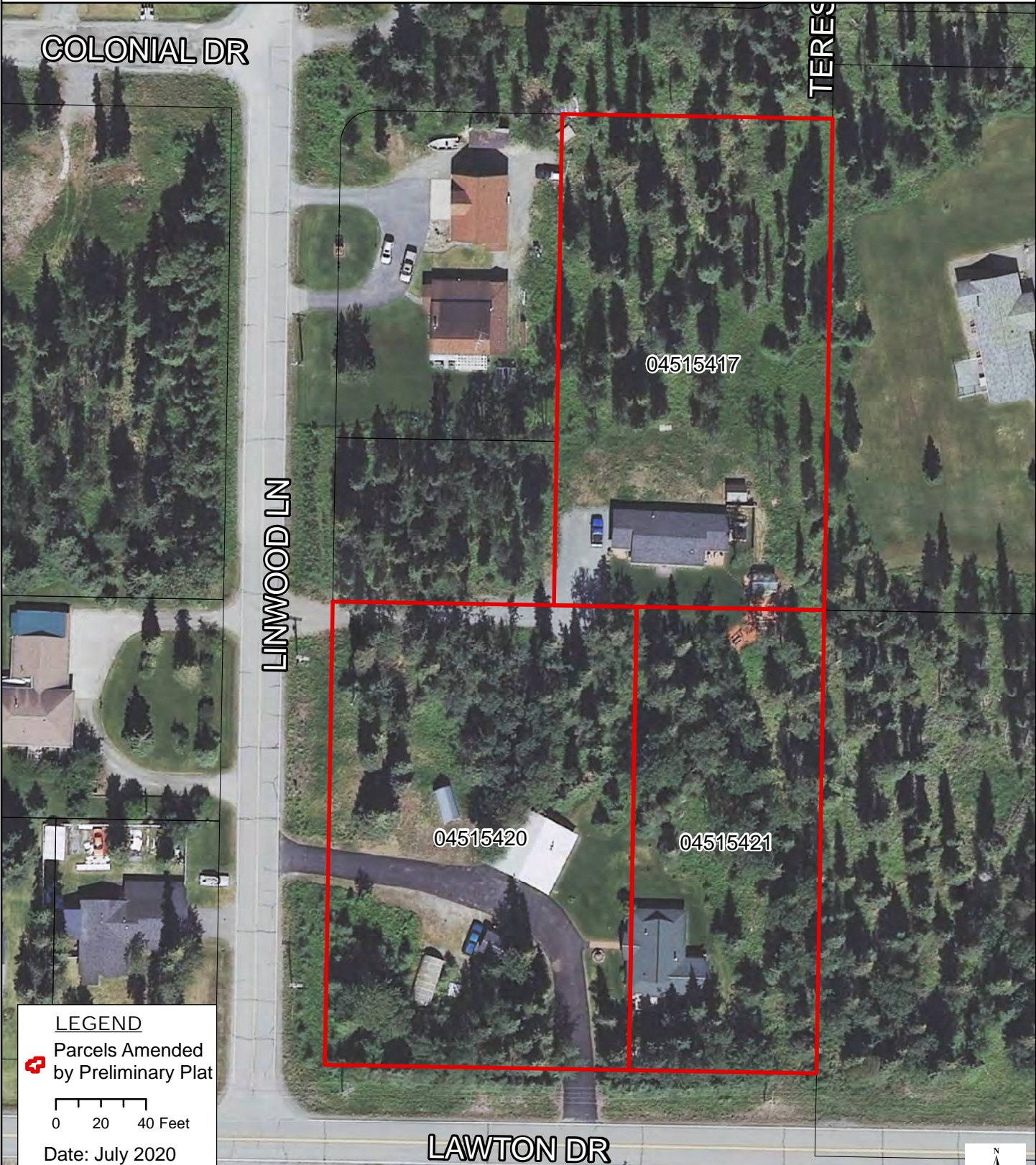
DRAWN BY:	DATE:	PROJECT:
MA	8/16/2020	20-537
CHECKED BY:	SCALE:	SHEET:
MA	1" = 50'	1 OF 1

KPB 2020-079 PRELIMINARY PLAT




# Aerial Map Preliminary Plat: Eventyr Subdivision No. 3

Parcels 04515417, 04515420, and 04515421  
108 Linwood Lane, 104 Linwood Lane, 1303 Lawton Drive  
Lot 4, Eventyr Subdivision, Lots 5 and 6 Eventyr Subdivision No. 2



**LEGEND**

 Parcels Amended by Preliminary Plat

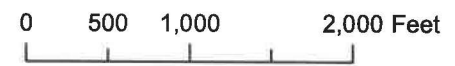
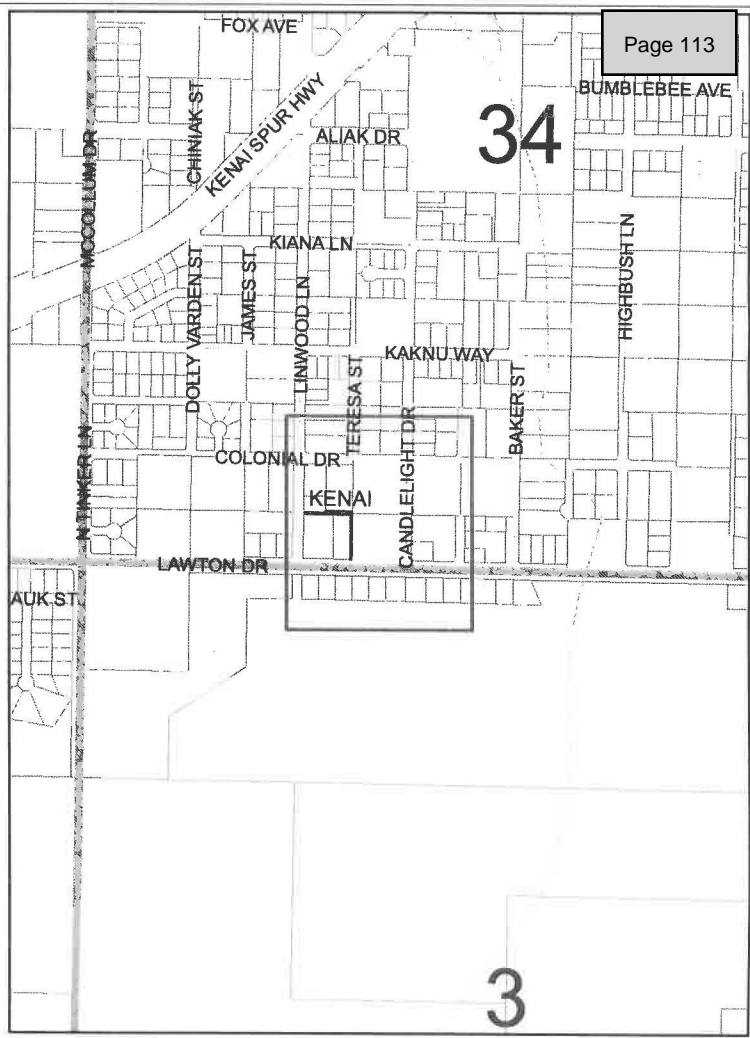
0 20 40 Feet

Date: July 2020

Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.



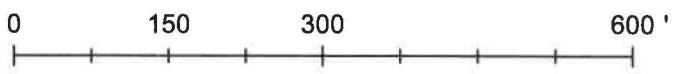




**KPB 2020-079V**  
**S34 T06N R11W**  
**KENAI**



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



PClements, KPB  
 Date: 7/30/2020



Sponsored by: Administration

**CITY OF KENAI**

**RESOLUTION NO. 2020-69**

A RESOLUTION OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER A DESIGN AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR THE DESIGN FOR THE KENAI BLUFFS STABILIZATION PROJECT

WHEREAS, the City has designated the Kenai River Bluff Erosion Project its number one federal and state funding priority for a number of years; and,

WHEREAS, the Final Integrated Feasibility Report and Environmental Assessment, and Finding of No Significant Impact was provided by the U.S. Army Corps of Engineers (USACE) in November, 2018; and,

WHEREAS, the City share of the project, which may be comprised of City, State, or eligible Federal funds, is 35% of project costs associated with design and construction of the project; and,

WHEREAS, the estimated cost of the pre-construction engineering and design (PED) phase of the project is \$1,000,000, and the City will be covering all of those costs; and,

WHEREAS, if the project goes through to construction it is anticipated that the City's full funding of the PED phase would be credited towards our ultimate cost share of 35% for the total project; and,

WHEREAS, the City has received \$4,000,000 in grants from the State of Alaska Department of Commerce, Community and Economic Development for the Kenai Bluff Stabilization Project of which approximately \$3,400,000 is unspent to date and available to fund the PED phase of the project; and,

WHEREAS, it is anticipated that the design agreement for the design of the Kenai Bluffs Stabilization Project will be approved by the USACE in the upcoming weeks; and,

WHEREAS, the design agreement outlines the responsibilities of both the USACE and the City of Kenai and requires the signature of the Kenai City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the Kenai City Manager is authorized to enter a design agreement with the Department of the Army for the design for the Kenai Bluffs Stabilization Project.

**Section 2.** That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 19th day of August, 2020.

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BRIAN GABRIEL, SR., MAYOR

ATTEST:

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Jamie Heinz, CMC, City Clerk

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## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Paul Ostrander, City Manager  
**DATE:** August 13, 2020  
**SUBJECT:** **Resolution No. 2020-69 – USACE design agreement**

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It is anticipated that the design agreement for the design of the Kenai Bluffs Stabilization Project will be approved by the USACE in the upcoming weeks. This resolution authorizes the City Manager to enter the agreement with the USACE. The design agreement authorizes work to begin on the design of the project and also outlines the match responsibilities of the City and the USACE.

A draft of the design agreement is attached.

Your consideration is appreciated.

DESIGN AGREEMENT  
 BETWEEN  
 THE DEPARTMENT OF THE ARMY  
 AND  
 THE CITY OF KENAI, ALASKA  
 FOR  
 DESIGN  
 FOR THE  
 KENAI BLUFFS BANK STABILIZATION, ALASKA

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Department of the Army (hereinafter the “Government”), represented by the District Commander for Alaska District (hereinafter the “District Commander”) and the City of Kenai (hereinafter the “Non-Federal Sponsor”), represented by the City Manager.

WITNESSETH, THAT:

WHEREAS, Federal funds were provided in General Investigations, 096X3121 were reprogrammed to initiate design of the stabilization of the Kenai River Bluffs;

WHEREAS, construction of the Project is authorized by Section 116 of the Energy and Water Development and related Agencies Appropriations Act of 2010 (P.L. 111-85);

WHEREAS, Section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), specifies the cost-sharing requirements applicable to construction of the Project, and Section 105(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2215), provides that the costs of design shall be shared in the same percentages as construction of the Project;

WHEREAS, based on the Project’s primary project purpose of coastal storm risk management, the parties agree that the Non-Federal Sponsor shall contribute 35 percent of the total design costs under this Agreement; and

WHEREAS, the Government and Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

## ARTICLE I - DEFINITIONS

A. The term “Project” means construction of a 5,000 foot long armored protective berm at the toe of the 70-foot high bluff along the north bank of the Kenai River protecting 31 bluff parcels, existing structures, infrastructure and cultural resources, as generally described in the Director’s Report approved by the Director of Civil Works on April 10, 2019.

B. The term “Design” means perform detailed pre-construction engineering and design including preparation of plans and specifications for the initial construction contract for the Project.

C. The term “total design costs” means the sum of all costs that are directly related to the Design and cost shared in accordance with the terms of this Agreement. Subject to the provisions of this Agreement, the term shall include, but is not necessarily limited to: the Government’s costs for engineering and design, economic and environmental analyses, and evaluation; for contract dispute settlements or awards; for supervision and administration; for Agency Technical Review and other review processes required by the Government; for response to any required Independent External Peer Review; and the Non-Federal Sponsor’s creditable costs for in-kind contributions, if any. The term does not include any costs for dispute resolution; participation by the Government and Non-Federal Sponsor in the Design Coordination Team to discuss significant issues and actions; audits; or an Independent External Peer Review panel, if required; or the Non-Federal Sponsor’s cost of negotiating this Agreement.

D. The term "in-kind contributions" means those materials or services provided by the Non-Federal Sponsor that are identified as being integral to design of the Project by the Division Commander for the Pacific Ocean Division (hereinafter the “Division Commander”). To be integral, the material or service must be part of the work that the Government would otherwise have undertaken for design of the Project. In-kind contributions also include any investigations performed by the Non-Federal Sponsor to identify the existence and extent of any hazardous substances that may exist in, on, or under real property interests required for the Project.

E. The term “fiscal year” means one year beginning on October 1<sup>st</sup> and ending on September 30th of the following year.

## ARTICLE II - OBLIGATIONS OF THE GOVERNMENT AND THE NON-FEDERAL SPONSOR

A. In accordance with Federal laws, regulations, and policies, the Government shall conduct the Design using funds appropriated by the Congress and funds provided by the Non-Federal Sponsor. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all requirements of applicable Federal laws and implementing regulations. If the Government and non-Federal interest enter into a Project Partnership Agreement for construction of the Project, the Government shall include the total design costs in the calculation

of construction costs for the Project in accordance with the terms and conditions of the Project Partnership Agreement.

B. The Non-Federal Sponsor shall contribute 35 percent of total design costs in accordance with the provisions of this paragraph and provide required funds in accordance with Article III.

1. After considering the estimated amount of credit for in-kind contributions, if any, that will be afforded in accordance with paragraph C. of this Article, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor to meet its cost share for the initial fiscal year of the Design. No later than 60 calendar days after such notification, the Non-Federal Sponsor shall provide the full amount of such funds to the Government in accordance with Article III.

2. No later than August 1<sup>st</sup> prior to each subsequent fiscal year of the Design, the Government shall provide the Non-Federal Sponsor with a written estimate of the amount of funds required from the Non-Federal Sponsor during that fiscal year to meet its cost share. No later than September 1<sup>st</sup> prior to that fiscal year, the Non-Federal Sponsor shall provide the full amount of such required funds to the Government in accordance with Article III.

C. The Government shall credit towards the Non-Federal Sponsor's share of total design costs, the costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in providing or performing in-kind contributions integral to the Design, including associated supervision and administration. Such costs shall be subject to audit in accordance with Article VII to determine reasonableness, allocability, and allowability, and crediting shall be in accordance with the following procedures, requirements, and limitations:

1. As in-kind contributions are completed and no later than 60 calendar day after such completion, the Non-Federal Sponsor shall provide the Government appropriate documentation, including invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Failure to provide such documentation in a timely manner may result in denial of credit.

2. No credit shall be afforded for interest charges, or any adjustment to reflect changes in price levels between the time the in-kind contributions are completed and credit is afforded; for the value of in-kind contributions obtained at no cost to the Non-Federal Sponsor; for any items provided or performed prior to the effective date of this Agreement unless covered by an In-Kind Memorandum of Understanding; for any items not identified as integral in the integral determination report; or for costs that exceed the Government's estimate of the cost for such item if it had been performed by the Government.

3. No reimbursement will be provided for any in-kind contributions that exceed the Non-Federal Sponsor's share of the total design costs under this Agreement. As provided in Article II.A., total design costs, including credit for in-kind contributions, shall be included in the calculation of construction costs for the Project in accordance with the terms and conditions of the Project Partnership Agreement.

D. To the extent practicable and in accordance with Federal laws, regulations, and policies, the Government shall afford the Non-Federal Sponsor the opportunity to review and comment on solicitations for contracts prior to the Government's issuance of such solicitations; proposed contract modifications, including change orders; and contract claims prior to resolution thereof. Ultimately, the contents of solicitations, award of contracts, execution of contract modifications, and resolution of contract claims shall be exclusively within the control of the Government.

E. The Non-Federal Sponsor shall not use Federal program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Project. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

F. Except as provided in paragraph C. of this Article, the Non-Federal Sponsor shall not be entitled to any credit or reimbursement for costs it incurs in performing its responsibilities under this Agreement.

G. If Independent External Peer Review (IEPR) is required for the Design, the Government shall conduct such review in accordance with Federal laws, regulations, and policies. The Government's costs for an IEPR panel shall not be included in the total design costs.

H. In addition to the ongoing, regular discussions of the parties in the delivery of the Design, the Government and the Non-Federal Sponsor may establish a Design Coordination Team to discuss significant issues or actions. Neither the Government's nor the Non-Federal Sponsor's costs for participation on the Design Coordination Team shall be included in the total design costs. The Non-Federal Sponsor's costs for participation on the Design Coordination Team shall be paid solely by the Non-Federal Sponsor without reimbursement or credit.

### ARTICLE III - PAYMENT OF FUNDS

A. As of the effective date of this Agreement, total design costs are projected to be \$1,000,000, with the Government's share of such costs projected to be \$650,000, and the Non-Federal Sponsor's share of such costs projected to be \$350,000. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with monthly reports setting forth the estimated total design costs and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government, using both Federal and Non-Federal Sponsor funds, to date; the amount of funds provided by the Non-Federal Sponsor to



date; the estimated amount of any creditable in-kind contributions; and the estimated remaining cost of the Design.

C. The Non-Federal Sponsor shall provide to the Government required funds by delivering a check payable to “FAO, USAED, Alaska District (J4)” to the District Commander, or verifying to the satisfaction of the Government that the Non-Federal Sponsor has deposited such required funds in an escrow or other account acceptable to the Government, with interest accruing to the Non-Federal Sponsor, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

D. The Government shall draw from the funds provided by the Non-Federal Sponsor to cover the non-Federal share of the total design costs as those costs are incurred. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsor to cover the Non-Federal Sponsor’s required share of the total design costs, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

E. Upon completion of the Design and resolution of all relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds or if requested by the Non-Federal Sponsor, apply the excess amount towards the non-Federal share of the cost of construction of the Project in the event a Project Partnership Agreement is executed for the Project. Such final accounting does not limit the Non-Federal Sponsor's responsibility to pay its share of total design costs, including contract claims or any other liability that may become known after the final accounting.

#### ARTICLE IV - TERMINATION OR SUSPENSION

A. If at any time the Non-Federal Sponsor fails to fulfill its obligations under this Agreement, the Government may suspend or terminate Design unless the Assistant Secretary of the Army (Civil Works) determines that continuation of the Design is in the interest of the United States or is necessary in order to satisfy agreements with any other non-Federal interests in connection with the Project.

B. If the Government determines at any time that the Federal funds made available for the Design are not sufficient to complete such work, the Government shall so notify the Non-Federal Sponsor in writing within 30 calendar day, and upon exhaustion of such funds, the Government shall suspend Design until there are sufficient Federal funds appropriated by the Congress and funds provided by the Non-Federal Sponsor to allow Design to resume.

C. In the event of termination, the parties shall conclude their activities relating to the Design and conduct an accounting in accordance with Article III.E. To provide for this eventuality, the Government may reserve a percentage of available funds as a contingency to pay costs of termination, including any costs of resolution of contract claims and contract modifications.

D. Any suspension or termination shall not relieve the parties of liability for any obligation incurred. Any delinquent payment owed by the Non-Federal Sponsor pursuant to this Agreement shall be charged interest at a rate, to be determined by the Secretary of the Treasury, equal to 150 per centum of the average bond equivalent rate of the 13 week Treasury bills auctioned immediately prior to the date on which such payment became delinquent, or auctioned immediately prior to the beginning of each additional 3 month period if the period of delinquency exceeds 3 months.

#### ARTICLE V - HOLD AND SAVE

The Non-Federal Sponsor shall hold and save the Government free from all damages arising from the Design, except for damages due to the fault or negligence of the Government or its contractors.

#### ARTICLE VI - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

#### ARTICLE VII - MAINTENANCE OF RECORDS AND AUDIT

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits of the Design. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits for the Design shall not be included in total design costs.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor’s activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE VIII - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE IX - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:  
Paul Ostrander, City Manager, Project Manager  
210 Fidalgo, Avenue  
Kenai, Alaska 99611-7794

If to the Government:  
Army Corps of Engineers, Alaska District  
ATTN: PM-C  
P.O. Box 6898  
JBER, AK 99506-6898

B. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this Article.

ARTICLE X - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XI - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not party to this Agreement.

DRAFT

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

THE CITY OF KENAI, ALASKA

BY: \_\_\_\_\_  
DAVID R. HIBNER  
Colonel, U.S. Army  
District Commander

BY: \_\_\_\_\_  
PAUL OSTRANDER  
City Manager

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DRAFT

**KENAI CITY COUNCIL – REGULAR MEETING  
AUGUST 5, 2020 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
MAYOR BRIAN GABRIEL, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai City Council was held on August 5, 2020, in City Hall Council Chambers, Kenai, AK. Mayor Gabriel called the meeting to order at approximately 6:00 p.m.

**1. Pledge of Allegiance**

Mayor Gabriel led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

- |                      |                 |
|----------------------|-----------------|
| Brian Gabriel, Mayor | Robert Molloy   |
| Henry Knackstedt     | Tim Navarre     |
| Jim Glendingen       | Robert Peterkin |
| Glenese Pettey       |                 |

A quorum was present.

Also in attendance were:

- Paul Ostrander, City Manager
- Scott Bloom, City Attorney
- Jamie Heinz, City Clerk
- Jacquelyn LaPlante, Deputy Clerk

**3. Agenda Approval**

Mayor Gabriel noted the following revisions to the agenda and packet:

- |                  |                                     |
|------------------|-------------------------------------|
| Add to item D.1. | <b>Ordinance No. 3146-2020</b>      |
|                  | • Amendment Memo                    |
| Add to item D.6. | <b>Resolution No. 2020-64</b>       |
|                  | • Substitute Resolution No. 2020-64 |
|                  | • Memo                              |
| Add to item D.8. | <b>Resolution No. 2020-66</b>       |
|                  | • Amendment Memo                    |

Add to item F.1.

**Ordinance No. 3133-202**

- Replacement Amendment Memo

**MOTION:**

Vice Mayor Molloy **MOVED** to approve the agenda with the requested additions to the packet and requested **UNANIMOUS CONSENT**. Council Member Knackstedt **SECONDED** the motion.

**VOTE:** There being no objections, **SO ORDERED**.

**4. Consent Agenda**

**MOTION:**

Council Member Knackstedt **MOVED** to approve the consent agenda and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Mayor Gabriel opened the floor for public comment; there being no one wishing to be heard, the public comment period was closed.

**VOTE:** There being no objections, **SO ORDERED**.

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

**B. SCHEDULED PUBLIC COMMENTS**

**1. Bill Dunn – Erosion Mitigation for the Bluff Adjacent to Toyon Way.**

Mr. Dunn spoke regarding the City's Bluff Erosion project noting it consisted of stabilizing one mile of bluff and suggested the project should be longer to include dunes on North and South Beaches as well as the bluff along Toyon Way. He asked for Council's support for the City Administration to spend time assisting the neighborhood to develop a Local Improvement District adding that a contractor has reviewed the area and offered a proposal which had been shared with the neighborhood; each property owner would need to contract with the contractor separately. Mr. Dunn noted a consistent barrier at the toe would be more effective than piecemeal along each property line.

**B. UNSCHEDULED PUBLIC COMMENTS**

Marian Nelson applauded the City for its support of its Capital Improvement Projects and asked Council to consider including the Art Guild's project in those improvements.

Mick Wykis echoed support for adding the Art Guild's project in the City's Capital Improvement Project list and thanked the Council for their contribution to the success of the Kenai Fine Arts Center.

**D. PUBLIC HEARINGS**

- 1. **Ordinance No. 3146-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Library Improvement Capital Project Fund, Visitor Center Improvement Capital Project Fund, Municipal Roadway Improvements Capital Project Fund, Kenai Recreation Center Improvements Capital Project Fund, Information Technology Improvements Capital Project Fund, and City Hall Improvements Capital Project Fund to Fund Capital Projects Deferred During the FY2021 Budget Process. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3146-2020 and Council Member Navarre **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by amending section 1 dollar amounts to \$1,545,000 in both instances and adding a new Section 8 to read, “that the estimated revenues and appropriations be increased as follows: Kenai Fine Arts Center Improvement Capital Project Fund: Increase Estimated Revenues – Transfer from General Fund \$100,000, Increase Appropriations – Construction \$100,000,” and renumber following sections and amend title and requested **UNANIMOUS CONSENT**. Vice Mayor Molloy **SECONDED** the motion.

**VOTE ON THE AMENDMENT:** There being no objection; **SO ORDERD.**

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend by amending dollar amounts in section 1 to \$1,565,000 in both instances and amending new Section 8 by replacing \$100,000 with \$120,000 in both instances and requested **UNANIMOUS CONSENT**. Council Member Pettey **SECONDED** the motion.

It was noted the additional funding was to include window replacement in the project. It was also noted that the Art Guild was covering one-third of the project, had applied for a grant, and that the City benefited from the asbestos removal.

Clarification was provided that the project wouldn’t qualify for CARES Act funding because it had been planned prior to the COVID outbreak.

**VOTE ON THE AMENDMENT:** There being no objection; **SO ORDERD.**

**MOTION TO AMEND:**

Council Member Knackstedt **MOVED** to amend by adding a new Section 9 to read, “That the funding for the Kenai Fine Arts Center Improvement be restricted as follows: 1) If the engineer’s estimate for the project exceeds \$150,000, the appropriation should be brought back to the City Council for re-consideration. 2) The \$120,000 appropriation must be committed or encumbered by November 10, 2021. 3) The \$120,000 may only be used for construction at the Kenai Fine Arts Center,” and renumber subsequent sections in the ordinance accordingly. Council Member Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE ON THE AMENDMENT:** There being no objection; **SO ORDERD.**



Gratitude was expressed for the clarity of all projects included in the project list and for finding a way to bring forth the Capital Projects.

**VOTE ON THE MAIN MOTION AS AMENDED:**

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Glendening, Gabriel  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 2. **Ordinance No. 3147-2020** - Accepting and Appropriating \$2,135.25 in Asset Forfeiture Sharing Funds for Purchasing Law Enforcement Equipment into the General Fund, Police Department. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to enact Ordinance No. 3147-2020 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

**VOTE:**

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Glendening, Gabriel  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 3. **Ordinance No. 3148-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant Round Two from Meals on Wheels America for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3148-2020 and Vice Mayor Molloy **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Meals on Wheels was thanked for the additional grant.

**VOTE:**

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Gabriel, Glendening  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 4. **Ordinance No. 3149-2020** - Accepting and Appropriating a Grant from the Federal Aviation Administration and Authorizing the Purchase of Property Described as Lot 5, Spruce Creek Subdivision which is in the Airport's Runway Protection Zone. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to enact Ordinance No. 3149-2020 and Vice Mayor Molloy **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

It was noted it was prudent for the property to be purchased; suggested the Administration continue to look for opportunities to purchase properties for this purpose.

**VOTE:**

YEA: Knackstedt, Pettey, Molloy, Peterkin, Navarre, Gabriel, Glendening  
NAY:

**MOTION PASSED UNANIMOUSLY.**

- 5. **Resolution No. 2020-63** - Declaring a Right-Of-Way for a Portion of the Cul-De-Sac at the North End of Daubenspeck Circle as Dedicated on Baron Park 2012 Addition, Plat KN 2012-89, and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-63 and Council Member Glendening **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

**VOTE:** There being no objections, **SO ORDERED.**

- 6. **Resolution No. 2020-64** - Authorizing the Award of a Professional Services Agreement for Kenai Small Business Development and Tourism Marketing Services Related to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-64 and Council Member Pettey **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to amend Resolution No. 2020-64 by substitute resolution. Council Member Navarre **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED**.

Clarification was provided that this awards a contract for small business marketing which will be distributed pursuant to Resolution 2020-54; an overview of the application process was provided.

**UNANIMOUS CONSENT** was requested.

**VOTE ON THE MAIN MOTION AS AMENDED:** There being no objections, **SO ORDERED**.

**7. Resolution No. 2020-65** - Authorizing the Award of a Professional Services Agreement for Mental Health Services Related to the COVID-19 Public Health Emergency. (Administration)

**MOTION:**

Council Member Knackstedt **MOVED** to adopt Resolution No. 2020-65 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

Clarification was provided that Administration needed to find an alternative way to contract with a firm to provide the services and requested the item be postponed indefinitely.

**MOTION TO POSTPONE INDEFINITELY:**

Council Member Knackstedt **MOVED** to postpone Resolution No. 2020-65 indefinitely and requested **UNANIMOUS CONSENT**. Council Member Glendening **SECONDED** the motion.

**VOTE TO POSTPONE INDEFINITELY:** There being no objections, **SO ORDERED**.

**8. Resolution No. 2020-66** - Awarding a Purchase Agreement for the Supply and Delivery of Chemicals for the Water and Waste Water Treatment Plants. (Administration)

**MOTION:**

Vice Mayor Molloy **MOVED** to adopt Resolution No. 2020-66 and Council Member Navarre **SECONDED** the motion.

Mayor Gabriel opened for public hearing; there being no one wishing to be heard, the public hearing was closed.

**MOTION TO AMEND:**

Council Member Navarre **MOVED** to amend Resolution No. 2020-66 by adding “and waste water treatment plants” after, “water,” in the first whereas clause, fill in the blank with “One” and insert “Univar Solutions” as the Contractor, and insert “\$64,840” as the Bid in the second whereas clause, fill in the blank with “Univar Solutions,” in the third whereas clause, replace XXXXXXXX with “Univar Solutions” in the fourth whereas clause, fill in the first two blanks with “Univar Solutions” and fill in the third blank with

“\$64,840” in Section 1. Vice Mayor Molloy **SECONDED** the motion. **UNANIMOUS CONSENT** was requested.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED.**

**UNANIMOUS CONSENT** was requested.

**VOTE ON THE MAIN MOTION AS AMENDED:** There being no objections, **SO ORDERED.**

- 9. **Resolution No. 2020-67** - Approving a Grant to the Alaska Municipal League Utilizing Funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Council Member Navarre)

**MOTION:**

Council Member Navarre **MOVED** to adopt Resolution No. 2020-67 and Council Member Glendening **SECONDED** the motion.

Mayor Gabriel opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

An overview of the services Alaska Municipal League has provided to the City was provided as well as clarification that they provide a service to the City so they qualified for funding outside of the grant process developed by the City.

**UNANIMOUS CONSENT** was requested.

**VOTE:** There being no objections, **SO ORDERED.**

**E. MINUTES**

- 1. \*Regular Meeting of July 15, 2020. (City Clerk)

Approved by the consent agenda.

**F. UNFINISHED BUSINESS**

- 1. **Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport’s Wide Area Mower. (Administration) [Clerk’s Note: At the July 15 Meeting, this item was Postponed to this Council Meeting. A Motion to Enact is On the Floor.]

**MOTION TO AMEND:**

Vice Mayor Molloy **MOVED** to amend Ordinance No. 3133-2020 by amending the title by deleting the words “INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT SPECIAL REVENUE FUND,” replacing \$XXX,XXX in the third WHEREAS with \$248,150, deleting the fourth WHEREAS in its entirety, replace both \$XXX,XXX’s with \$208,485 in Section 1, delete Section 3 in its

entirety and renumber the subsequent sections accordingly and, in the newly renumbered Section 6, replace “July 1, 2020, the effective date of the FY2021 City of Kenai Annual Budget” with “That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.” Council Member Knackstedt **SECONDED** the motion and requested **UNANIMOUS CONSENT**.

**VOTE ON THE AMENDMENT:** There being no objections, **SO ORDERED**.

**VOTE ON THE MAIN MOTION AS AMENDED:**

YEA: Glendening, Gabriel, Knackstedt, Pettey, Molloy, Peterkin, Navarre  
NAY:

**MOTION PASSED UNANIMOUSLY.**

**G. NEW BUSINESS**

- 1. **\*Action/Approval** - Bills to be Ratified. (Administration)

Approved by the consent agenda.

- 2. **\*Action/Approval** - Purchase Orders over \$15,000. (Administration)

Approved by the consent agenda.

- 3. **\*Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Peninsula Botanicals, Kenai River Cannabis, Herban Extracts, LLC, and East Rip. (City Clerk)

Approved by the consent agenda.

- 4. **\*Ordinance No. 3150-2020** - Waiving Kenai Municipal Code 21.10.130 - Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)

Introduced by the consent agenda and public hearing set for August 19, 2020.

- 5. **\*Ordinance No. 3151-2020** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)

Introduced by the consent agenda and public hearing set for August 19, 2020.

- 6. **\*Ordinance No. 3152-2020** - Accepting and Appropriating a Project Ready Mini Grant from the Alaska State Library for Implementing the Know Your Neighbor: Kindness Kits Project at the Kenai Community Library. (Administration)

Introduced by the consent agenda and public hearing set for August 19, 2020.

- 7. **\*Ordinance No. 3153-2020** - Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds. (Administration)

Introduced by the consent agenda and public hearing set for August 19, 2020.

- 8. **\*Ordinance No. 3154-2020** - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)

Introduced by the consent agenda and public hearing set for August 19, 2020.

**9. Discussion** - City Response to COVID-19. (Administration)

The number of cases, case rate, and hospitalizations were provided; also noted no changes in the level facilities were open.

It was noted the softball association asked if the state tournament could take place in Kenai; typically takes place in Anchorage and it was thought approximately 100 people would come to town. The request was made for the association to consider Kenai in the future as well.

**10. Discussion** - City of Kenai Response to Governor Dunleavy’s Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City Of Soldotna Council. (City Manager)

It was noted the Governor reached out to Mayors and Managers in different regions asking that mandates be administered locally noting certain places in the state may not need the same mandates; expected documentation to be forthcoming.

There was consensus that a joint meeting be held after documentation was received; this agenda item to be on the next agenda.

**H. COMMISSION / COMMITTEE REPORTS**

- 1. Council on Aging – No report; next meeting September 10.
- 2. Airport Commission – No report; next meeting August 13.
- 3. Harbor Commission – No report; next meeting August 10.
- 4. Parks and Recreation Commission – No report; next meeting August 6.
- 5. Planning and Zoning Commission – It was reported the Commission considered and approved a plat to combine lots at their meeting on July 26; next meeting August 12.
- 6. Beautification Committee – No report; next meeting September 8.
- 7. Mini-Grant Steering Committee – No report.

**I. REPORT OF THE MAYOR**

Mayor Gabriel reported on the following:

- Thanked Vice Mayor Molloy for filling in for the July 15 meeting;
- Participated in a teleconference with the City Manager and the Governor’s Office regarding COVID-19 mitigation;

- Spoke about the tragic plane accident on Friday, July 31 taking the lives of all eight passengers noting that Representative Gary Knopp fought for what his constituents wanted adding that he was a great neighbor and member of the community; also spoke about Greg Bell and his involvement in the community.

## **J. ADMINISTRATION REPORTS**

1. City Manager - City Manager P. Ostrander reported on the following:
  - Annual surplus auction in the next several weeks;
  - CARES Act grant program update;
  - Contractor looking at the bowling alley to fix the façade;
  - Update on the bike path project noting the cost had increased again;
  - Land management plan draft was complete and would be working through the Commissions and Council in the next few months;
  - Preconstruction Engineering Design agreement for the Bluff Erosion Project would likely be signed mid-August and fully executed by early September assuming no headquarter review needed; and
  - Signage for Old Town nearing completion.
2. City Attorney – No report.
3. City Clerk – City Clerk J. Heinz reported on the following:
  - The Vote by Mail ordinance had been referred to the voters and would be on the October 6 ballot; and
  - Candidate filing period for two City Council seats was open.

## **K. ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)

Marian Nelson expressed gratitude for Council's support of the Fine Arts Center and noted that the polling places used to be at the Armory.

2. Council Comments

Council Member Glendening spoke fondly regarding Representative Gary Knopp.

Vice Mayor Molloy expressed gratitude for the moment of silence and the words for the families; commended Administration's work on dipnet noting current management tools has shown benefit; and commended the Clerk's Office supporting the Council and Commissions noting the full-time Deputy Clerk was paying off.

Council Member Knackstedt expressed sorrow for the plane crash noting his heart went out to the families; Mr. Bell and Representative Knopp would be missed.

Council Member Pettey noted the lives lost in the plane crash were irreplaceable and expressed condolences; noted Representative Knopp would leave a legacy and an example that the rest of us could learn from.

Council Member Navarre expressed gratitude for the new operator taking over RAVN; thankful for Grant and maintaining flight service. Also spoke about the plane crash devastatingly taking the seven lives on

July 31<sup>st</sup> noting he was proud of how Representative Knopp did his job and expressed condolences to families.

L. **EXECUTIVE SESSION** – None.

M. **PENDING ITEMS**

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [Clerk's Note: At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting.]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For a Record Retention Length. (City Clerk) [Clerk's Note: At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting.]

N. **ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:42 p.m.

I certify the above represents accurate minutes of the Kenai City Council meeting of August 5, 2020.

---

Jamie Heinz, CMC  
City Clerk





Sponsored by: City Clerk

**CITY OF KENAI**

**ORDINANCE NO. 3128-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 1.85.040 – RECORDS PUBLIC, TO PROVIDE FOR A RECORD RETENTION LENGTH.

WHEREAS, Ordinance 3127-2020 repealed and replaced the City’s election code; and,

WHEREAS, it is appropriate to identify the record retention length for financial disclosure statements in KMC 1.85.040 which requires them.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Amending Section 1.85.040 – Records Public of the Kenai Municipal Code: That Kenai Municipal Code, Section 1.85.040 – Records Public is hereby amended as follows:

**1.85.040 Records public.**

All statements required to be filed by this chapter are public records and shall be maintained for six (6) years.

**Section 2.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 3.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this \* day of \*, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: May 20, 2020  
Enacted: \*, 2020  
Effective: \*, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**FROM:** Jamie Heinz  
**DATE:** May 14, 2020  
**SUBJECT:** **Ordinance No. 3128-2020**

---

Ordinance No. 3128-2020 is a companion ordinance to Ordinance No. 3127-2020. If Ordinance No. 3127-2020 is enacted, record retention of Public Official Financial Disclosure forms would need to be incorporated back into code; it is my recommendation that it be incorporated into KMC Chapter 1.85 where Public Official Financial Disclosure forms are set forth.

Your consideration is appreciated.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**FROM:** Jamie Heinz, City Clerk

**DATE:** June 25, 2020

**SUBJECT:** **Ordinance No. 3128-2020 Record Retention on Financial Disclosure Statements**

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Because Ordinance No. 3128-2020 is a companion ordinance to Ordinance No. 3127-2020, I recommend you also postpone Ordinance No. 3128-2020 to the same date that Ordinance No. 3127-2020 is postponed to.

Your consideration is appreciated.

**PAYMENTS OVER \$15,000.00 WHICH NEED COUNCIL RATIFICATION  
COUNCIL MEETING OF: AUGUST 19, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
PERS	PERS	VARIOUS	LIABILITY	99,057.39
PREMERA BLUE CROSS	JULY PREMIUM	VARIOUS	INSURANCE	223,214.75

**INVESTMENTS**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>MATURITY DATE</b>	<b>AMOUNT</b>	<b>Effect. Int.</b>
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**FISCAL YEAR 2021**

**PURCHASE ORDERS OVER \$15,000.00 WHICH NEED COUNCIL APPROVAL  
COUNCIL MEETING OF: AUGUST 19, 2020**

<b>VENDOR</b>	<b>DESCRIPTION</b>	<b>DEPT.</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
UNIVAR SOLUTIONS USA, INC.	20 TONS OF PRILLED UREA	AIRPORT	008-462-222	15,233.33
HDL ENGINEERING	IMPLEMENTING IMPROVEMENTS TO THE SCADA SOFTWARE	WATER	621-450-8098	35,000.00



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary Bondurant, Airport Manager  
**DATE:** August 11, 2020  
**SUBJECT:** Purchase Order – Univar Solutions

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The purpose of this memo is to request approval to purchase twenty (20) ton of prilled urea from Univar Solutions. This is replenishing the urea stockpile after the 2019-2020 winter season.

There were three vendors who provided quotes FOB Kenai:

<b>Univar Solutions -</b>	<b>\$ 15,233.33</b>
Two Rivers Terminal -	\$ 16,200
Alaska Garden and Pet -	\$ 19,540

Univar Solution’s price was found to be fair and reasonable.

Thank you for your consideration.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** August 11, 2020  
**SUBJECT:** Purchase Order Exceeding \$15,000

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The purpose of this memo is to request approval of a Purchase Order to HDL Engineering in the amount of \$35,000 to begin assisting Public Works Staff with implementing improvements to the Departments Supervisory Control and Data Acquisition (SCADA) Software. WonderWare is the program the City currently uses for this, and it has been riddled with a variety of issues over the recent years. This Purchase Order is intended to allow HDL and their sub-consultant Borealis Controls to begin assisting Public Works with systematically addressing each issue at each location to fully bring the system on line to work correctly as originally intended.

Currently staff has been struggling with Communications issues at many locations which cause false alarms and a lack of visibility on our infrastructure. This makes it challenging for staff to perform their duties effectively, as time is wasted on chasing down these issues when that time could be better spent performing other maintenance work.

We have budgeted for this work within the Capital Improvement Plan as project priorities #2 & #3 for both the Water Plant and Waste Water Plants respectively.

As a reminder to Council, HDL Engineering was awarded a term agreement on May 15, 2020 as the successful firm after completion of the Request for Proposals process, to provide these services for the City. This is one of several tasks currently being undertaken including work on our new APDES permit renewal as well as Master Planning services for the Waste Water Plant. This task will be the first to begin improvements on the Water side.

Council's support is respectfully requested.



## MEMORANDUM

**TO:** Mayor Gabriel and Kenai Council Members  
**FROM:** Jamie Heinz, City Clerk  
**DATE:** August 13, 2020  
**SUBJECT:** **Marijuana License Renewals**

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The Alcoholic & Marijuana Control Office has sent notification that the following applicants have requested license renewal:

Applicant: Red Run Cannabis Cultivators, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Cultivators, LLC  
License Type: Standard Marijuana Cultivation Facility

Applicant: Red Run Cannabis Company, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Company, LLC  
License Type: Retail Marijuana Store

Applicant: Red Run Cannabis Cultivators, LLC  
Owners: Marc Theiler  
D/B/A: Red Run Cannabis Cultivators, LLC  
License Type: Marijuana Product Manufacturing Facility

Pursuant to KMC 2.40.010, *It is determined to be in the public interest that holders of or applicants for licenses issued by the Alcoholic Beverage Control Board or the Marijuana Control Board of the State of Alaska shall have all obligations to the City of Kenai on a satisfactory basis prior to the City Council approval of any activity of said license holder or applicant.*

A review of City accounts has been completed and the applicants have satisfied all obligations to the City. With the approval of Council, a letter of non-objection to the request for the renewal of a Standard Marijuana Cultivation Facility, a Retail Marijuana Store, and a Marijuana Product Manufacturing Facility will be forwarded to the Alcoholic & Marijuana Control Office and the applicant.

Your consideration is appreciated.





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

July 27, 2020

**City of Kenai**

Attn: Jamie Heinz  
VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk  
Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
[micheleturner@kpb.us](mailto:micheleturner@kpb.us)  
[ssness@kpb.us](mailto:ssness@kpb.us)  
[dhenry@kpb.us](mailto:dhenry@kpb.us)

<b>License Number:</b>	10052
<b>License Type:</b>	Standard Marijuana Cultivation Facility
<b>Licensee:</b>	Red Run Cannabis Cultivators, LLC
<b>Doing Business As:</b>	RED RUN CANNABIS CULTIVATORS, LLC
<b>Physical Address:</b>	5455 Kenai Spur Highway Kenai, AK 99611
<b>Designated Licensee:</b>	Marc Theiler
<b>Phone Number:</b>	907-953-9453
<b>Email Address:</b>	marc@redruncannabiscompany.com

**License Renewal Application**       **Endorsement Renewal Application**

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke extending to the right.

Glen Klinkhart, Interim Director

- Submit** by Jacquelyn LaPlante 7/28/2020 3:56:13 PM (Form Submission)
- Approve** by Wilma Anderson 7/31/2020 10:01:35 AM (Lands Review)  
■ *Red Run Cannabis Cultivators LLC are in compliance with the Conditional Use Permit granted for a Marijuana Cultivation Facility, Standard.*
- The task was assigned to Wilma Anderson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Jeremy Hamilton 8/11/2020 6:36:10 PM (Fire Marshall Review)  
■ *Inspected 8-11-20*
- The task was assigned to Jeremy Hamilton. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Michael Wesson 7/28/2020 4:32:55 PM (Building Official Review)
- The task was assigned to Michael Wesson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Jacquelyn LaPlante 7/29/2020 5:20:06 PM (Police Department Review)  
■ *Approve per Dave Ross*
- Jacquelyn LaPlante reassigned the task to Jacquelyn LaPlante 7/29/2020 5:19 PM
  - The task was assigned to David Ross. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Tina Williamson 8/3/2020 10:29:24 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Cindy Herr 7/28/2020 4:39:20 PM (Legal Asst Review)  
■ *Not outstanding citations or restitution owed.*
- The task was assigned to Cindy Herr. The due date is: August 6, 2020 5:00 PM  
7/28/2020 3:56 PM
- Approve** by Terry Eubank 8/3/2020 11:25:27 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM
- Approve** by Scott Bloom 8/3/2020 11:38:57 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM
- Approve** by Elizabeth Appleby 8/3/2020 4:45:16 PM (P&Z Department Review)
- The task was assigned to Elizabeth Appleby. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

## Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Cultivation Facility				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

## Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Roger Boyd				
Title:	General Partner				

## Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

AMCO

JUL 24 2020



Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

[Handwritten initials]

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

[Handwritten initials]

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

[Handwritten initials]

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

[Handwritten initials]

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

[Handwritten initials]

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

[Handwritten initials]

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

[Handwritten initials]

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

[Handwritten signature]
Signature of licensee

Roger Boyd
Printed name of licensee



[Handwritten signature]
Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 22 day of July, 2020.



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

### What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

## Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	10052		
License Type:	Standard Cultivation Facility				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

## Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler
Title:	Managing Partner

## Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

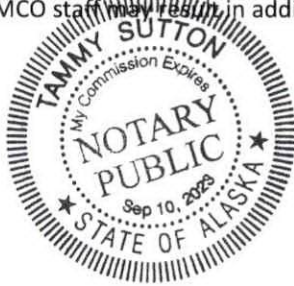
MT

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Marc Theiler

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 20 day of July, 2020.

AMCO JUL 24 2020

# Notice of Violation

Em

Page 152

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records Act AS 40.25

Date: 7/18/19 License #/Type: 10052 Standard Cultivation  
Designated Licensee: Marc Theiler AMCO Case#:  
DBA: Red Run Cannabis Cultivators LLC  
Premises Address: 5455 Kenai Spur Highway, Kenai, AK 99611  
Mailing Address: : 5455 Kenai Spur Hwy Kenai, AK 99611

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

As of 7/18/2019, Red Run Cannabis Cultivators, 10052, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation will be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A licensee may respond, either orally or in writing, to the Notice.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

\*Please send your response to the address below and include your Marijuana Establishment License Number in your response.

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: J. Hoelscher

SIGNATURE:



Delivered VIA: Email

Received by:

SIGNATURE:

AMCO

JUL 24 2020

Date:





August 4th, 2019

AMCO  
ATTN: Enforcement  
550 W. 7th Ave, STE 1600  
Anchorage, AK 99501

RE: Red Run Cannabis Cultivators, #10052 - Delinquent  
Excise Tax Liability

AMCO,

First let me state with clarity that I accept full responsibility for the late payment of taxes, the reasons/excuses don't matter much, only results do. I only further state the following for reasons of clearing up any false assumptions. On three separate occasions, I personally attempted to pay these cultivation taxes, however each time I showed up at the deposit location (Friday, 4:10; Monday, 4:35; Monday, 4:33) the PFD/Child Support office was closed, it was highly frustrating - yet this is also no excuse, I could have and should have known better and scheduled my priorities better, so this is fully on me. I only wanted to make that statement to make clear of my intent to pay in a timely fashion.

I apologize for wasting a single second of the state's time and resources on this matter. After receiving the Notice of Violation in my email inbox, the delinquent excise tax liability was immediately paid in full that same day. Thank you for getting my attention and I will do my very best to not waste our state's time and resources again.

Cordially,

Marc Theiler

Red Run Cannabis Cultivators

AMCO

JUL 24 2020



Red Run Cannabis Company  
5455 Kenai Spur Hwy  
Kenai, Alaska 99611

Email: [marc@redruncannabiscompany.com](mailto:marc@redruncannabiscompany.com) - Cell: (907) 953-9453

AMCO  
ATTN: Licensing  
License #: 10052

7/23/20

RE: Notice of Violation - Written Explanation

Red Run Cannabis Company received an alleged violation dated 7/18/2019 concerning a delinquent payment on marijuana excise tax. Please see attached letter that was provided to AMCO on 8/14/19, which explained the totality of circumstance. We paid the delinquent tax, immediately after receiving the initial email from AMCO - I had every intent of paying the tax timely, yet missed the cut off time on 3 different occasions. The NOV was immediately cleared up.

Thank you for your time and considerations,

Marc Theiler

Red Run Cannabis Company

AMCO  
JUL 24 2020



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

July 27, 2020

Kenai Peninsula Borough  
Attn: Johni Blankenship  
VIA Email: [jblankenship@kpb.us](mailto:jblankenship@kpb.us)  
CC: [micheleturner@kpb.us](mailto:micheleturner@kpb.us)  
[tshassetz@kpb.us](mailto:tshassetz@kpb.us)  
[sness@kpb.us](mailto:sness@kpb.us)  
[dhenry@kpb.us](mailto:dhenry@kpb.us)

<b>License Number:</b>	10056
<b>License Type:</b>	Retail Marijuana Store
<b>Licensee:</b>	Red Run Cannabis Company, LLC
<b>Doing Business As:</b>	RED RUN CANNABIS COMPANY, LLC
<b>Physical Address:</b>	5455 Kenai Spur Highway Suite B Kenai, AK 99611
<b>Designated Licensee:</b>	Marc Theiler
<b>Phone Number:</b>	907-953-9453
<b>Email Address:</b>	marc@kenaiattorney.com

License Renewal Application       Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this

license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is stylized and cursive.

Glen Klinkhart, Interim Director

- Submit** by Jacquelyn LaPlante 7/28/2020 5:26:03 PM (Form Submission)
- Approve** by Wilma Anderson 7/31/2020 10:03:15 AM (Lands Review)  
■ *Red Run Cannabis Company, LLC is in compliance with the conditions of the Conditional Use Permit granted for a Retail Marijuana Store.*
- The task was assigned to Wilma Anderson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Jeremy Hamilton 8/11/2020 6:36:01 PM (Fire Marshall Review)  
■ *Inspected 8-11-20*
- The task was assigned to Jeremy Hamilton. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Michael Wesson 7/29/2020 12:28:42 PM (Building Official Review)
- The task was assigned to Michael Wesson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Jacquelyn LaPlante 7/29/2020 5:19:12 PM (Police Department Review)  
■ *Approve per Dave Ross*
- The task was assigned to Jacquelyn LaPlante. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Tina Williamson 8/3/2020 10:29:06 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Cindy Herr 7/28/2020 5:43:38 PM (Legal Asst Review)  
■ *No outstanding citations or restitution owed.*
- The task was assigned to Cindy Herr. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:26 PM
- Approve** by Terry Eubank 8/3/2020 11:25:20 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM
- Approve** by Scott Bloom 8/3/2020 11:39:03 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM
- Approve** by Elizabeth Appleby 8/3/2020 4:43:01 PM (P&Z Department Review)
- The task was assigned to Elizabeth Appleby. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:29 AM



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

## Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Company, LLC	License Number:	10056		
License Type:	Retail Marijuana Store				
Doing Business As:	RED RUN CANNABIS COMPANY, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

## Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler				
Title:	Managing Partner				

## Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

MT

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

MT

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

MT

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

AMCO

JUL 24 2020



Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

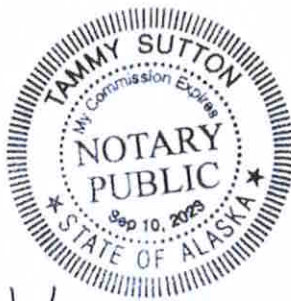
I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MT

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Marc Theiler  
Signature of licensee

Marc Theiler  
Printed name of licensee



Tammy Sutton  
Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 20 day of July, 2020.

AMCO

JUL 24 2020



**Alaska Marijuana Control Board**  
**Form MJ-20: Renewal Application Certifications**

**What is this form?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

**Section 1 – Establishment Information**

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Company, LLC	License Number:	10056		
License Type:	Retail Marijuana Store				
Doing Business As:	RED RUN CANNABIS COMPANY, LLC				
Premises Address:	5455 Kenai Spur Highway				
City:	Kenai	State:	Alaska	ZIP:	99611

**Section 2 – Individual Information**

Enter information for the individual licensee who is completing this form.

Name:	Roger Boyd				
Title:	General Partner				

**Section 3 – Violations & Charges**

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

**Sign your initials to the following statement only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).







# Form MJ-20: Renewal Application Certifications

## Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

*RB*

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

*RB*

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

*RB*

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

*RB*

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

*RB*

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

*RB*

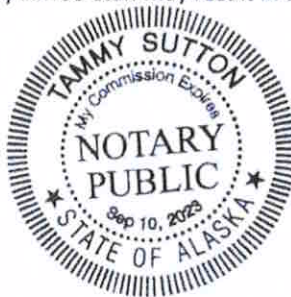
I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

*RB*

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

*RB*  
Signature of licensee

**Roger Boyd**  
Printed name of licensee



*Tammy Sutton*  
Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 22 day of July, 2020.





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

July 27, 2020

**City of Kenai**

Attn: Jamie Heinz

VIA Email: [jheinz@kenai.city](mailto:jheinz@kenai.city)

**Kenai Peninsula Borough**

Attn: Borough Clerk

Via Email: [tshassetz@kpb.us](mailto:tshassetz@kpb.us)

[jblankenship@kpb.us](mailto:jblankenship@kpb.us)

[micheleturner@kpb.us](mailto:micheleturner@kpb.us)

[sness@kpb.us](mailto:sness@kpb.us)

[dhenry@kpb.us](mailto:dhenry@kpb.us)

<b>License Number:</b>	19372
<b>License Type:</b>	Marijuana Product Manufacturing Facility
<b>Licensee:</b>	Red Run Cannabis Cultivators, LLC
<b>Doing Business As:</b>	RED RUN CANNABIS CULTIVATORS, LLC
<b>Physical Address:</b>	12516 Kenai Spur Hwy Suite A Kenai, AK 99611
<b>Designated Licensee:</b>	Marc Theiler
<b>Phone Number:</b>	907-953-9453
<b>Email Address:</b>	marc@kenaiattorney.com

**License Renewal Application**

**Endorsement Renewal Application**

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Glen Klinkhart". The signature is stylized and cursive.

Glen Klinkhart, Interim Director

- Submit** by Jacquelyn LaPlante 7/28/2020 5:27:50 PM (Form Submission)
- Approve** by Wilma Anderson 7/31/2020 10:06:12 AM (Lands Review)  
■ *Red Run Cannabis Company, LLC is in compliance with the conditions of the Conditional Use Permit granted for a Marijuana Product Manufacturing Facility.*
- The task was assigned to Wilma Anderson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Jeremy Hamilton 8/11/2020 6:35:38 PM (Fire Marshall Review)  
■ *Inspected 8-11-20*
- The task was assigned to Jeremy Hamilton. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Michael Wesson 8/3/2020 9:24:16 AM (Building Official Review)
- The task was assigned to Michael Wesson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Jacquelyn LaPlante 7/29/2020 5:19:24 PM (Police Department Review)  
■ *Approve per Dave Ross*
- The task was assigned to Jacquelyn LaPlante. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Tina Williamson 8/3/2020 10:28:52 AM (Finance Asst Review)
- The task was assigned to Tina Williamson. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Cindy Herr 7/28/2020 5:44:30 PM (Legal Asst Review)  
■ *No outstanding citations or restitution owed.*
- The task was assigned to Cindy Herr. The due date is: August 6, 2020 5:00 PM  
7/28/2020 5:27 PM
- Approve** by Terry Eubank 8/3/2020 11:25:12 AM (Finance Review)
- The task was assigned to Terry Eubank. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:28 AM
- Approve** by Scott Bloom 8/3/2020 11:38:38 AM (Legal Review)
- The task was assigned to Scott Bloom. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:28 AM
- Approve** by Elizabeth Appleby 8/3/2020 4:42:17 PM (P&Z Department Review)
- The task was assigned to Elizabeth Appleby. The due date is: August 12, 2020 5:00 PM  
8/3/2020 10:28 AM



## Alaska Marijuana Control Board Form MJ-20: Renewal Application Certifications

### What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

### Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	19372		
License Type:	Product Manufacturing				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	12516 Kenai Spur Highway, Suite A				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Marc Theiler
Title:	Managing Partner

### Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

**Sign your initials to the following statement only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

AMCO



# Form MJ-20: Renewal Application Certifications

## Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

MT

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

MT

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

MT

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

MT

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

MT


I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

MT

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MT

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

  
Signature of licensee

**Marc Theiler**  
Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 20 day of July, 2020.



Alaska Marijuana Control Board

# Form MJ-20: Renewal Application Certifications

## What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

**This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.**

### Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Red Run Cannabis Cultivators, LLC	License Number:	19372		
License Type:	Product Manufacturing				
Doing Business As:	RED RUN CANNABIS CULTIVATORS, LLC				
Premises Address:	12516 Kenai Spur Highway, Suite A				
City:	Kenai	State:	Alaska	ZIP:	99611

### Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Roger Boyd				
Title:	General Partner				

### Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued to this license between July 1, 2019 and June 30, 2020.

**Sign your initials to the following statement only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

AMCO



Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

JB

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

JB

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

JB

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

JB

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

JB

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

JB

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

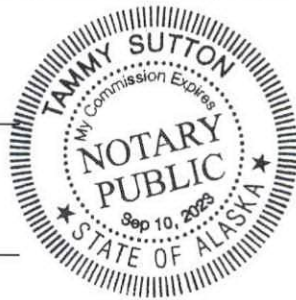
JB

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Roger Boyd

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 9/10/2023

Subscribed and sworn to before me this 22 day of July, 2020.

AMCO

11/14/2020



# Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 10/7/19 License #/Type: 19372 Marijuana Product Manufacturing Facilities  
 Licensee: RED RUN CANNABIS CULTIVATORS, LLC Address: 2516 Kenai Spur Hwy Suite A Kenai, AK 99611  
 DBA: RED RUN CANNABIS CULTIVATORS, LLC AMCO Case #: AM191547

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

On 9-23-19, AMCO Enforcement received an email asking if manufacturers are allowed to change sizes, bottles and shelf life without board approval. They submitted a photograph of hashade made by Red Run Cannabis with a serving size of 23 grams. They also submitted an older product approval form of hashade. AMCO Enforcement sent the complainant the current approval and an email to Red Run Cannabis designated license, Marc Theiler, asking if the label contained a typo.

The complainant replied back citing the discrepancy of serving size. Mr. Theiler replied back, but did not answer the question regarding serving size. I followed up with two emails, one on 9-27-19 and one on 10-2-19, requesting his business record showing the approval change from 25 grams to 23 grams.

Mr. Theiler did not respond to either request and the email was sent to the email on file with AMCO.

This is a violation of 3 AAC 306.800. Inspection and investigation, 3 AAC 306.755. Business records, 3 AAC 306.510(a)(2) Acts prohibited at marijuana product manufacturing facility, 3 AAC 306.525. Approval of concentrates and marijuana products & 3 AAC 306.570(c)(3) Labeling of marijuana products

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

\*Please send your response to the address below and include your marijuana license number in your response.

Alcohol & Marijuana Control Office  
 ATTN: Enforcement  
 550 W. 7<sup>th</sup> Ave, Suite 1600  
 Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

Date:

AMCO

JUL 24 2020



October 9thth, 2019

AMCO  
Enforcement  
550 W. 7th Ave, Suite 1600  
Anchorage, AK 99501

RE: AMCO Case # 191547

AMCO,

Red Run Cannabis Cultivators LLC (#19372) recently received a Notice of Violation dated October 7th, 2019. The NOV alleges that Red Run changed the serving size of their approved Hashade product from 25 grams to 23 grams. I sincerely apologize for not immediately responding to Mr. Hoelscher's emails, I didn't see any of the emails that Mr. Hoelscher sent regarding this matter, otherwise I would have responded immediately to clarify the situation.

When we first submitted our Hashade product, the bottle we were using was slightly bigger than the bottle we are currently using, in addition, when we first submitted the Hashade product we were filling those bottles to the brim of the bottle - yet after we began production, we began filling the bottle slightly lower than the brim of the bottle. We only made the slight change from 25 grams to 23 grams to reflect the exact measurement of the serving size.

I didn't realize that we needed to submit any notice of revision to AMCO regarding this clarification since it didn't significantly or remarkably change/alter the nature of product or its serving dimensions. I fully realize that if we use a new packaging material or change a label in any significant or material way that we have to notify and submit these changes to AMCO - yet I didn't realize that we needed to do so in this instant case since we were merely adjusting the serving

AMCO

JUL 24 2020

size mass by an insignificant degree. We only revised the serving size to reflect the exact and precise nature of the product's final form, which can change slightly due to changes in the particular vendor's bottle.

Hopefully, we can clear up this situation and provide some clarity on going forward with regards to label revisions. We only want to do the right thing and not waste AMCO's limited resources. We do not believe this current circumstance warrants a Violation and would like additional clear guidance on exactly when its required to submit label changes to AMCO (no matter how slight the label revision).

Thank you for your patience and understanding, as always, we simply seek to work with AMCO to find a suitable, reasonable remedy. Again, I sincerely apologize for not responding timely, the emails from AMCO were addressed to my law firm email address ([marc@kenaiattorney.com](mailto:marc@kenaiattorney.com)) and were somehow inadvertently placed into the SPAM folder. Please let me know if I need to do anything further.

Cordially,

Marc Theiler  
Red Run Cannabis Company  
5455 Kenai Spur Hwy  
Kenai, AK 99611



Red Run Cannabis Company  
5455 Kenai Spur Hwy  
Kenai, Alaska 99611

Email: [marc@redruncannabiscompany.com](mailto:marc@redruncannabiscompany.com) - Cell: (907) 953-9453

AMCO  
ATTN: Licensing  
License #: 19372

7/23/20

RE: Notice of Violation - Written Explanation

Red Run Cannabis Company received an alleged violation dated 10/7/2019 concerning a change of serving size. Please see attached letter that was sent to AMCO on October 9th, 2019 shortly after receiving the NOV. After our explanation and a brief talk with AMCO the matter was immediately resolved.

Thank you for your time and considerations,

Marc Theiler

Red Run Cannabis Company

AMCO

JUL 24 2020



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3155-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE AIRPORT IMPROVEMENTS CAPITAL PROJECT FUND AND ACCEPTING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR PHASE ONE CONSTRUCTION OF A NEW SAND STORAGE FACILITY.

WHEREAS, On August 10, 2020 a formal Invitation to Bid was released in coordination with the Federal Aviation Administration for the construction of a new 5600sf Sand Storage Facility for the Kenai Municipal Airport, with Bids due on August 31, 2020; and,

WHEREAS, The City received the following bids with \_\_\_\_\_ being determined to be the lowest responsive and responsible bidder

Contractor	Phase 1 Bid	Phase 2 Bid	Total Bid

; and,

WHEREAS, the Project is being awarded in two phases, with Phase 1 consisting of site civil work which is anticipated to take place in the Fall of 2020. Phase 2 consists of the complete building package and all other work anticipated for a Spring 2021 start and Fall 2021 completion; and,

WHEREAS, the phasing is intended to provide the City with the largest funding available from the Federal Aviation Administration (FAA), with CARES Act funds anticipated to cover the City's 6.25% share of Phase 1 costs, and Airport Entitlements for 2020 covering the remaining costs; and,

WHEREAS, Phase 2 will be awarded under a separate Ordinance in early 2021 in anticipation of receiving an FAA grant for the remaining costs using the Airport entitlements for 2021 and if necessary, FAA discretionary funds with the City's share being 6.25% unless there are CARES Act funds remaining, whereby there would not be a City match required; and,

WHEREAS, Council should anticipate the City needing to fund Phase 2 initially to allow the building package to be ordered in time for a summer installation, with an FAA grant anticipated for May 2021 where the City will be reimbursed; and,

WHEREAS, failure to forward fund the project will likely result in the construction carrying into next winter and would increase overall construction costs; and,

WHEREAS, the Federal Aviation Administration (FAA) and City Staff are in agreement that this path is the most beneficial to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** The City Manager is authorized to accept grant funding from the Federal Aviation Administration in the amount of \$\_\_\_\_\_ for the Construction of the new Sand Storage Building.

**Section 2.** The City Manager is authorized to award a construction contract for Phase 1 of construction of a new sand storage facility to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and issue a Purchase Order to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ which includes contingency funds for the processing of change orders.

**Section 3.** The City Manager is authorized to amend HDL Engineering’s Design Agreement to include Construction Administrative (CA) Services in the amount of \$\_\_\_\_\_.

**Section 4.** That the estimated revenues and appropriations be increased as follows:

Airport Improvement Capital Project Fund:  
Increase Estimated Revenues –  
FAA Grant

\$XXX,XXX

Increase Appropriations:  
Construction

\$XXX,XXX

**Section 5.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 6.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

Ordinance No. 3155-2020

Page 2 of 3

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

Introduced: August 19, 2020  
Enacted: September 2, 2020  
Effective: September 2, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** August 11, 2020  
**SUBJECT:** Ordinance 3155-2020

---

The purpose of this memo is to request support for the Kenai Municipal Airport Sand Storage Building. Staff, in coordination with the Federal Aviation Administration (FAA), has been developing the project. HDL Engineering completed design documents on August 7, 2020. The project was formally released for Bids on August 10, 2020 with bids due on August 31, 2020.

The project will be developed in two phases to allow the City the greatest opportunity to take advantage of federal grants. Phase 1 is anticipated to take place this fall and will cover Site Civil work. The grant will cover all of the FAAs normal share, and CARES Act funds are anticipated to cover the City's normal share of 6.25%.

Phase 2 will begin early 2021, and will be awarded under a separate future Ordinance. It will be funded by the Airport's annual entitlements and possibly discretionary funds through the FAA and is anticipated for the City to short term finance the work until the grant can be issued likely in May 2021. The structural steel and insulated wall and roof panels will need to be ordered in March 2021 to make sure they arrive in Alaska in time for the summer construction season.

Phase 2 will likely require the usual grant matching funds, with the FAA contributing 93.75% and the City share being 6.25% of construction costs however, if there are remaining CARES Act funds, there would be no match requirement of the City. The funds to cover the start of Phase 2 shall be taken from the Airport Special Revenue Fund and will be reimbursed upon receipt of grant.

This project is the number one priority for the Airport from the Capital Improvement Plan. Completion of the facility will allow the airport to store all of their required sand for the runway under roof in a conditioned space, which will allow their sanding operations to proceed more efficiently, reducing wear and tear on equipment from breaking into frozen sand piles that would otherwise be stored outdoors.

Council should anticipate an amendment memo being provided prior to the September 2, 2020 council meeting to fill in the blanks associated with the current Ordinance.

Council's support of this Ordinance is respectfully requested.





Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3156-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE WATER AND SEWER SPECIAL REVENUE AND WATER AND SEWER IMPROVEMENTS CAPITAL PROJECT FUNDS AND AWARDING A CONSTRUCTION AGREEMENT FOR IMPROVEMENTS TO THE WASTING ACTIVATED SLUDGE PUMPS AT THE WASTE WATER TREATMENT PLANT.

WHEREAS, the Waste Water Treatment Plant continues to make improvements to aging and failing pieces of equipment; and,

WHEREAS, Staff has determined the process of Wasting Activated Sludge (WAS) pumping is quickly becoming our highest priority concern due to failing equipment; and,

WHEREAS, replacement of these pumps was anticipated to be under \$35K initially and was not included as a Capital Project within the current Capital Plan as a result; and,

WHEREAS, MBA Consulting contracted to provide construction documents, and a formal Invitation to Bid was released on August 14, 2020 with Bids due on August 28, 2020; and,

WHEREAS, the City received the following bids with \_\_\_\_\_ determined to be the lowest responsive and responsible bidder

Contractor	Bid

; and,

WHEREAS, award to \_\_\_\_\_ is in the best interest of the City and will allow the Waste Water Treatment Plant to continue to meet all requirements of our Alaska Pollutant Discharge Elimination System (APDES) permit.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** The City Manager is authorized to award a construction contract to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and issue a Purchase Order to \_\_\_\_\_ in the amount of \$\_\_\_\_\_ which includes contingency funds for the processing of change orders.

**Section 2.** The City Manager is authorized to issue a Purchase Order to MBA Consulting Engineers for Construction Administrative (CA) Services in the amount of \$3,296 for a total design agreement to date of \$22,177.

**Section 3.** That the estimated revenues and appropriations be increased as follows:

Water and Sewer Special Revenue Fund:	
Increase Estimated Revenues –	
Appropriation of Fund Balance	\$XX,XXX
Increase Appropriations:	
Transfer to other funds	<u>\$XX,XXX</u>

**Section 4.** That the estimated revenues and appropriations be increased as follows:

Water and Sewer Improvements Capital Project Fund:	
Increase Estimated Revenues –	
Transfer from other funds	\$XX,XXX
Increase Appropriations:	
Construction	<u>\$XX,XXX</u>

**Section 5.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 6.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect upon adoption.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: \_\_\_\_\_

Introduced: August 19, 2020  
Enacted: September 2, 2020  
Effective: September 2, 2020



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** August 11, 2020  
**SUBJECT:** Ordinance 3156-2020

---

This memo requests support for the replacement of the Wasting Activated Sludge Pumps at the Waste Water Treatment Plant. The pumps themselves have already been purchased and are on site. This work will provide funds for the demolition of the existing pumps, associated piping, controls and installation of the new pumps with new piping, controls, and concrete housekeeping pads.

Additionally, this work will replace three severely rusted exterior doors, jambs and hardware for the pump house building and adjacent clarifiers with new fiberglass doors and jambs with new hardware. The close proximity to the salt water is particularly hard on metal surfaces and the fiberglass will perform better over time.

Staff had originally hoped to complete this work with already approved operational funds, however in speaking with contractors the scope of work has grown into costs that now exceed the threshold for a Capital Project. The nature of this work is imperative to the operations of the plant. The pumps being replaced are almost 40 years old, one is completely out of service, the second requires daily intervention to run correctly, and we are currently using a recently purchased Honda gas pump as an alternate means to maintain operations.

Completion of this project will restore appropriate redundancy to another integral part of the plant's operations. It is also anticipated that the newer and more efficient pumps will provide additional energy savings.

Council should anticipate an amendment memo prior to the September 2, 2020 council meeting to fill in the blanks in the current Ordinance.

Council's support of this Ordinance is respectfully requested.



Sponsored by: Vice Mayor Molloy

## CITY OF KENAI

### ORDINANCE NO. 3157-2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 1.85.010 – REPORT OF FINANCIAL AND BUSINESS INTERESTS, TO ALLOW FOR CERTIFICATION BY MUNICIPAL OFFICERS THAT A PREVIOUSLY FILED STATEMENT OF DISCLOSURE REMAINS ACCURATE AND APPROVING AN ALTERNATE CERTIFICATION.

WHEREAS, Kenai Municipal Code 1.85 requires that certain elected and appointed officials complete financial disclosure forms annually; and,

WHEREAS, for some, financial information does not change annually; and,

WHEREAS, the ability to certify that a previously filed statement remains accurate would provide the same level of disclosure and eliminate the sometimes burdensome requirement to complete the form in its entirety on an annual basis.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** Amending Section 1.85.010 – Report of financial and business interests of the Kenai Municipal Code: That Kenai Municipal Code, Section 1.85.010 – Report of financial and business interests is hereby amended as follows:

#### **1.85.010 Report of financial and business interests.**

(a) A candidate for elective municipal office shall file a statement under oath with the City Clerk, at the time of filing a nominating petition and declaration of candidacy, specifying his or her business interests and income sources.

(b) Each municipal officer shall file a statement under oath with the City Clerk, within thirty (30) days after appointment to office specifying his or her business interests and income sources.

(c) Each municipal officer file a similar statement of income sources and business interests or shall certify a previously filed statement remains true, correct, and complete with the City Clerk not later than April 15<sup>th</sup> of each year that he or she holds office.

**Section 2.** That the attached certification form is hereby approved.

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair

Ordinance No. 3157-2020

Page 2 of 2

the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2nd day of September, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Introduced: August 19, 2020, 2020  
Enacted: September 2, 2020  
Effective: October 2, 2020



**CITY OF KENAI  
2021 PUBLIC OFFICIAL FINANCIAL  
DISCLOSURE STATEMENT**

**CERTIFICATION**

I certify under penalty of perjury the information previously provided in the Statement attached hereto is up to date and, to the best of my knowledge, true, correct and complete and shall serve as my Statement covering the period **between January 1, 2020 and December 31, 2020**. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

SIGNATURE	DATE
Printed Name of Filer	Place


**Where to obtain copies of previous Statements for attachment and file this Certification:**

**Kenai City Clerk  
210 Fidalgo Avenue  
Kenai, AK 99611**

**Telephone: (907) 283-8231  
Fax: (907) 283-5068**



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**CC:** City Manager and Administration  
**FROM:** Vice Mayor Molloy   
**DATE:** August 11, 2020  
**SUBJECT:** Ordinance No. 3157-2020

---

This proposed ordinance is the product of a discussion with Council in March 2020 about financial disclosure statements.

This ordinance amends KMC 1.85.010 **Report of financial and business interests**, paragraph (c), to allow a municipal officer to sign a form certifying that a previously filed financial disclosure statement "remains true, correct and complete." This ordinance also approves the attached certification form, which also was drafted by the City Clerk.

A "municipal officer" is defined to mean "the Mayor, City Manager, members of the Council, members of the Planning and Zoning Commission, City Attorney and City Clerk."

This ordinance will reduce paperwork burden for municipal officers where there is no change in the officer's previously filed financial disclosure statement. The officer's filing of the signed certification form will be sufficient, because there has been no change from the previously filed disclosure statement.

Council's support is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3158-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, INCREASING ESTIMATED REVENUES AND APPROPRIATIONS IN THE COVID-19 CARES ACT RECOVERY FUND AND ACCEPTING A CARES ACT GRANT PASSED THROUGH THE KENAI PENINSULA BOROUGH.

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020, and other positive diagnoses have since occurred on the Kenai Peninsula; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020, and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 18, 2020, the City Manager declared a local disaster emergency that was extended the same day by the City Council; and,

WHEREAS, on March 24, 2020, the City Council enacted Ordinance 3115-2020 granting the City Manager City certain emergency powers; and,

WHEREAS, on April 9, 2020 President Donald J. Trump approved a Disaster Declaration for the State of Alaska; and,

WHEREAS, the State of Alaska's distribution of \$568,572,886 to local governments included \$37,458,449 to the Kenai Peninsula Borough of which \$24,199,101 was based on Borough sales tax collected boroughwide; and,

WHEREAS, approximately 67% of Borough sales tax revenue is collected by business located inside the six incorporated City of the Borough, Kenai, Soldotna, Seldovia, Seward, Homer and Kachemak City; and,

WHEREAS, because the Borough lacks area-wide economic development powers it has elected to pass \$8,134,023 of its state allocation to the incorporated City's including \$2,675,524.94 to the City of Kenai; and,

WHEREAS, acceptance of these pass through funds is in the best interest of the City, its business and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:



**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$2,675,524.94 from the Federal Government passed through the Kenai Peninsula Borough for expenditures in response to and recovery from the COVID-19 Public Health Emergency.

**Section 2.** That the City Manager is authorized to execute grant agreements to accept these funds.

**Section 3.** That the estimated revenues and appropriations be increased as follows:

COVID-19 Cares Act Recovery Fund:	
Increase Estimated Revenues –	
Federal Grants	<u>\$2,675,524.94</u>
Increase Appropriations –	
First Responder & Incident Management Team Payroll -	
General Contingency	\$X,XXX,XXX.XX
Business and Not-for-Profit Entity Recovery Grants -	
General Contingency	X,XXX,XXX.XX
CARES Act Administration & Non-Payroll Expenditures -	
General Contingency	X,XXX,XXX.XX
Individual Assistance Grants -	
General Contingency	X,XXX,XXX.XX
City Resiliency and Recovery	
General Contingency	<u>X,XXX,XXX.XX</u>
	<u>\$2,675,524.94</u>

**Section 4.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 5.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2<sup>nd</sup> day of September, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Ordinance No.3158-2020  
Page 2 of 3

Approved by Finance: \_\_\_\_\_

Introduced: August 19, 2020  
Enacted: September 2, 2020  
Effective: September 2, 2020



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank  
**DATE:** August 12, 2020  
**SUBJECT:** Introduction of Ordinance 3158-2020

---

The purpose of this memo is to recommend introduction of Ordinance 3158-2020. At its August 11, 2020 special meeting the Kenai Peninsula Borough authorized CARES Act pass-through grants to the incorporated cities of the Borough totaling \$8,134,022.88 including \$2,675,524.94 to the City of Kenai.

Ordinance 3158-2020 will authorize acceptance of the pass-through grant and appropriate the funds to assist in response to and recovery from the COVID-19 public health emergency. It is the intent of the administration to prepare a recommendation for the allocation and use of funds prior to adoption at the September 2, 2020 Council meeting.

Your support for introduction is respectfully requested.



Sponsored by: Administration

**CITY OF KENAI**

**ORDINANCE NO. 3159-2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, ACCEPTING AND APPROPRIATING A MUNICIPAL ARTS & CULTURE MATCHING GRANT FROM THE RASMUSON FOUNDATION IN THE COVID-19 CARES ACT RECOVERY FUND.

WHEREAS, the City applied for and received a \$50,000 Municipal Arts & Culture Matching Grant from the Rasmuson Foundation; and,

WHEREAS, the Municipal Arts & Culture Matching Grant Program was designed to increase municipal allocation of Alaska’s CARES Act “Direct Municipal Relief” funds to arts and culture organizations; and,

WHEREAS, the City issued five CARES Act grants to local not for profit, arts and culture organizations including the Kenai Historical Society, the Kenai Peninsula Orchestra, the Kenai Performers, the Performing Arts Society, and the Peninsula Arts Guild; and,

WHEREAS, providing supplemental funding in the amount of \$10,000 to each of these organizations utilizing grant funds received from the Rasmuson Foundation is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** That the City Manager is authorized to accept a grant in the amount of \$50,000 from the Rasmuson Foundation and to expend the funds in accordance with grant provisions and this ordinance.

**Section 2.** That the estimated revenues and appropriations be increased as follows:

COVID19 CARES Act Recovery Fund:	
Increase Estimated Revenues –	
Other Grants	<u>\$50,000</u>
Increase Appropriations – Business and Not-for-Profit Recovery Grants	
Grants	<u>\$50,000</u>

**Section 3.** That the City Manager is authorized to execute a grant agreement and to expend the funds pursuant to that agreement and this ordinance.

**Section 4.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved

in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.


**Section 5.** Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect immediately upon enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 2<sup>nd</sup> day of September, 2020.

\_\_\_\_\_  
BRIAN GABRIEL SR., MAYOR

ATTEST:

\_\_\_\_\_  
Jamie Heinz, CMC, City Clerk

Approved by Finance: 

Introduced: August 19, 2020  
Enacted: September 2, 2020  
Effective: September 2, 2020



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Paul Ostrander, City Manager

**DATE:** August 13, 2020

**SUBJECT:** **Ordinance 3159-2020 – Rasmuson Foundation Arts and Culture Grant**

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The City applied for and received a \$50,000 Municipal Arts & Culture Matching Grant from the Rasmuson Foundation to support local arts and culture organizations. The Municipal Arts & Culture Matching Grant Program was designed to match municipal allocation of CARES Act funding to arts and culture organizations that received federal CARES Act funding through municipalities.

The City issued five CARES Act grants to local nonprofit arts and culture organizations that applied for grants through the City's First Relief and Recovery Grant Program Period. The application period was open for two weeks, June 5, 2020 to June 19, 2020 and re-opened from July 10, 2020 to July 17, 2020 and was open to nonprofits that provide services to residents of the City. The arts and culture organizations that received funds under the program and are eligible for the additional funding are the Kenai Historical Society, the Kenai Peninsula Orchestra, the Kenai Performers, the Performing Arts Society, and the Peninsula Arts Guild.

Ordinance 3159-2020 provides additional funding in the amount of \$10,000 to each of these organizations utilizing grant funds received from the Rasmuson Foundation and will allow the City to distribute the funds.

Your consideration is appreciated.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Elizabeth Appleby, City Planner

**DATE:** August 14, 2020

**SUBJECT:** **Action/Approval - Lease Application Extension to SOAR International Ministries Inc. for the undeveloped portion of Tract A, GAA No. 2**

City Council approved of a 45-year lease application from SOAR International Ministries, Inc. with Resolution No. 2019-57 for the undeveloped portion of Tract A, General Aviation Apron (GAA) No. 2. The lease application from SOAR denoted plans to construct an approximately 120 foot x 180 foot hangar for aircraft storage and maintenance. There will also be a connecting office facility of approximately 100-foot x 110-foot, an aircraft ramp and tie-down area, and parking. The parcel is 5.25 acres fronting the aviation apron with street frontages on North Willow and Granite Point streets. SOAR proposes to build on the portion of the lot that is currently treed and needs to subdivide the lot prior to construction as shown on the attached map. SOAR has hired a surveyor to complete the subdivision. The plat was recommended for approval by the City of Kenai's Planning and Zoning Commission with Resolution PZ2020-06 on April 8, 2020. The plat was granted preliminary approval by the Kenai Peninsula Borough on May 26, 2020. SOAR is working with the surveyor to finalize the plat.

Kenai Municipal Code 21.10.050 No right of occupancy-Application expiration states that an application will expire after twelve months if the City and the applicant have not entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six months. SOAR has submitted a letter requesting a six-month extension due to delays with the COVID-19 public health emergency. Administration recommends approval of the extension given SOAR's significant progress on the subdivision and feasibility study prior to delays from the COVID-19 public health emergency. If Council approves, SOAR's application expiration date would be moved to February 21, 2020.

The Airport Commission recommended approval of the lease application extension by City Council during their meeting on August 13, 2020. Thank you for your consideration.

**Attachment:**

Letter dated July 31, 2020 from SOAR International Ministries requesting a six-month lease application extension



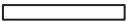
**Parcel No:  
04324025**

**General Aviation #2  
Tract A**



**Legend**

-  Existing Lot Line
-  Approximate New Lot Line

90'  
  
1 inch equals 110 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 4/3/2020





July 31, 2020

City of Kenai  
210 Fidalgo Avenue  
Kenai, Alaska 99611

Due to the Covid 19 Pandemic there have been significant delays in finalizing the new plat for Tract A, General Aviation Apron No. 2, and in completing our feasibility study for the FBO facility. SOAR has had the survey done for Tract A but the plat is not complete and we are pushing hard to complete the feasibility study. Because of these delays caused by the virus SOAR International Ministries would like to request that the City of Kenai extend the period for SOAR to execute the approved lease application Tract A, General Aviation Apron No.2 for an additional 6 months.  
Thank you for your consideration.

A handwritten signature in black ink that reads "Richard Page". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard Page  
Director, SOAR International Ministries

**KENAI COUNCIL ON AGING  
REGULAR MEETING  
AUGUST 13, 2020 – 4:30 P.M.  
KENAI SENIOR CENTER, VIRTUALLY  
CHAIR DON ERWIN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Chair Erwin called the meeting to order at 4:32 p.m.

**a. Pledge of Allegiance**

Chair Erwin led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Members Present: D. Erwin, R. Williams, V. Geller, A. Weeks, B. Modigh, M. Milewski, L. Nelson, C. Thornton, S. Bise

Members Absent: None.

Staff/Council Liaison Present: Senior Center Director K. Romain, City Clerk J. Heinz, and Council Member J. Glendening

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Member Thornton **MOVED** for approval of the agenda and Member Milewski **SECONDED** the motion. There were no objections; **SO ORDERED**.

**2. SCHEDULED PUBLIC COMMENTS** (*Public comment limited to ten (10) minutes per speaker*) – None.

**3. UNSCHEDULED PUBLIC COMMENT** (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*) – None.

**4. APPROVAL OF MEETING SUMMARY**

a. May 14, 2020

**MOTION:**

Member Weeks **MOVED** to approve the May 14, 2020 meeting summary as written and Member Thornton **SECONDED** the motion. There were no objections; **SO ORDERED**.

**5. UNFINISHED BUSINESS** – None.

## 6. NEW BUSINESS

### a. **Discussion** – State of Alaska Reopening Guidelines for Senior Centers

Director Romain noted the document for congregate guidance provided in the packet, adding that the State provided the documents in June; however, no Senior Center in the state was open as of this date. She reviewed the document noting what the Senior Center could and could not provide, and what protocols would need to be in place. Ms. Romain added that she was going to be preparing a phased plan for opening and would be bringing the plan back to the Council on Aging at the September meeting for review and recommendation.

It was asked that a list of activities that could be conducted be provided in the plan.

Staffing and funding was discussed.

## 7. REPORTS

### a. **Senior Center Director** – Romain reported the following:

- Current staffing;
- Building and maintenance projects being completed while the center is empty;
- A CARES Act grant being provided by the Kenai Peninsula Borough and doors being installed with the grant;
- Doors being installed to the dining room and the reception desk being moved to keep control of wandering in the building;
- A new vehicle being acquired;
- Developing a phone buddy program for those who are interested.

### b. **Council on Aging Chair** – Chair Erwin noted the Senior Center crew was doing a wonderful job during the pandemic.

### c. **City Council Liaison** – Glendening reviewed the Action Agenda for the Council's previous meetings.

## 8. NEXT MEETING ATTENDANCE NOTIFICATION – September 10, 2020

## 9. COUNCIL MEMBERS COMMENTS AND QUESTIONS

Council Member Williams virtual doesn't come close to being together; grateful for the meals and how they are cared for at Vintage Pointe.

Council Member Thornton noted they were thoroughly delighted with the work and what is being provided by the Senior Center.

## 10. ADDITIONAL PUBLIC COMMENT – None.

## 11. INFORMATION ITEMS – None.

## 12. ADJOURNMENT

**MOTION:**

Member Geller **MOVED** for adjournment and Member Milewski **SECONDED** the motion. There were no objections; **SO ORDERED**.

There being no further business, the Council on Aging meeting adjourned at 5:28 p.m.

Meeting summary prepared and submitted by:

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Jamie Heinz, CMC  
City Clerk

DRAFT

**KENAI AIRPORT COMMISSION  
REGULAR MEETING  
AUGUST 13, 2020 – 6:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
CHAIR GLENDA FEEKEN, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Chair Feeken called the meeting to order at 6:00 p.m.

**a. Pledge of Allegiance**

Chair Feeken led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

Commissioners Present: G. Feeken, K. Dodge, D. Lechlitter, J. Bielefeld, P. Minelga,  
J. Zirul, D. Pitts

Commissioners Absent:

Staff/Council Liaison Present: Airport Manager M. Bondurant, City Planner E. Appleby,  
Deputy City Clerk J. LaPlante

A quorum was present.

*[Clerk's Note: Commissioner Zirul joined the meeting at 6:02 PM]*

**c. Agenda Approval**

**MOTION:**

Commissioner Bielefeld **MOVED** to approve the agenda and Commissioner Dodge **SECONDED** the motion. There were no objections; **SO ORDERED**.

*[Clerk's Note: Commissioner Pitts joined the meeting at 6:03 PM]*

**2. SCHEDULED PUBLIC COMMENT** – None.

**3. UNSCHEDULED PUBLIC COMMENT** – None.

**4. APPROVAL OF MEETING SUMMARY**

a. June 11, 2020

**MOTION:**

Commissioner Dodge **MOVED** to approve the meeting summary of June 11, 2020 and

Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

b. July 9, 2020

Corrections were noted for the Commissioner Comments and Questions section of the July 9 meeting summary.

**MOTION:**

Commissioner Dodge **MOVED** to approve the meeting summary of July 9, 2020 with revisions and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

5. **UNFINISHED BUSINESS** – None.

6. **NEW BUSINESS**

a. **Discussion/Recommendation** – Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat

**MOTION:**

Commissioner Minelga **MOVED** to recommend Council approve a lease execution with Schilling Rentals, LLC and extension to May 31, 2020 and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

b. **Discussion/Recommendation** – Six-Month Extension Request from SOAR International Ministries, Inc. for Lease Application Expiration for the Underdeveloped Portion of Tract A, General Aviation Apron No. 2.

**MOTION:**

Commissioner Bielefeld **MOVED** to recommend Council approve a Six-Month extension request from SOAR International Ministries, Inc. as presented and Commissioner Lechlitter **SECONDED** the motion. There were no objections; **SO ORDERED**.

c. **Discussion/Recommendation** — Application for a Forty-Five (45) Year Lease of City-owned Land Within the Airport Reserve described as Lot 5, FBO Subdivision No. 8 located at 525 N. Willow Street. The application was submitted by Alaska Air Fuel, Inc., 3700 W. Aviation Ave., Wasilla, AK 99654

It was noted a laydown was provided with corrected maps.

**MOTION:**

Commissioner Minelga **MOVED** to recommend Council approve the application by Alaska Air Fuel, Inc. for a Forty-Five (45) Year Lease of City-owned Land Within the Airport Reserve and Commissioner Bielefeld **SECONDED** the motion. There were no objections; **SO ORDERED**.

## 7. REPORTS

### a. **Airport Manager** – Bondurant reported on the following:

- The Kenai Airport Terminal Rehabilitation project was in the final stage;
- The Fire Training Facility should be complete this month;
- Bids for sand storage building due on August 21;
- Ravn airlines plans to operate as soon as possible, looking to operate 7 days a week beginning in September;
- She is currently working on the Storm Water Prevention Plan;
- A new public lands and parks display in the Airport; and
- The Float Plane basin fuel now capable of accepting commercial fleet cards.

### b. **City Council Liaison** – No report.

## 8. NEXT MEETING ATTENDANCE NOTIFICATION – September 10, 2020

## 9. COMMISSIONER COMMENTS AND QUESTIONS – None.

## 10. ADDITIONAL PUBLIC COMMENT – None.

## 11. INFORMATION ITEMS

- a. July 2020 Mid-Month Report
- b. July 2020 Float Plane Basin Report
- c.

## 12. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 6:25 p.m.

Meeting summary prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

**KENAI PARKS & RECREATION COMMISSION  
AUGUST 6, 2020 – 6:00 PM  
KENAI CITY COUNCIL CHAMBERS  
VICE-CHAIR GRANT WISNIEWSKI, PRESIDING**

**MEETING SUMMARY**

**1. CALL TO ORDER**

Vice Chair Wisniewski called the meeting to order at 6:00 p.m.

**a. Pledge of Allegiance**

Vice Chair Wisniewski led those assembled in the Pledge of Allegiance.

**b. Roll was confirmed as follows:**

- Commissioners present: S. Kisena, J. Dennis, M. Bernard, T. Winger, T. Wisniewski
- Commissioners absent: C. Stephens, J. Joanis, R. Tomrdle
- Staff/Council Liaison present: Parks & Rec Director B. Frates, Deputy City Clerk J. LaPlante, Council Liaison B. Molloy

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Bernard **MOVED** to approve the agenda as presented and Commissioner Winger **SECONDED** the motion. There were no objections; **SO ORDERED.**

- 2. SCHEDULED PUBLIC COMMENTS – None.**
- 3. UNSCHEDULED PUBLIC COMMENT – None.**
- 4. APPROVAL OF MEETING SUMMARY**

**a. May 7, 2020**

**MOTION:**

Commissioner Bernard **MOVED** to approve the meeting summary of May 7, 2020 and Commissioner Winger **SECONDED** the motion. There were no objections; **SO ORDERED.**

- 5. UNFINISHED BUSINESS – None.**
- 6. NEW BUSINESS**
  - a. Discussion – Kenai River Marathon**

The Parks and Recreation Director noted the City of Kenai in conjunction with the Kenai Chamber



of Commerce were putting on the Kenai River Marathon this year, scheduled for Sunday, September 27. So far there were 43 – 50 runners registered and it was the intent to utilize the previously certified route for the marathon, although it was not likely a Boston Qualifier with the recent changes to the bike path. Measures were being discussed to mitigate or lessen COVID-19 risks, including limiting the number of supporters specifically located at the water station, only water would be available on the table, and options were being evaluated of a staggered start or wearing masks at the start of the race, seeking ideas to make it safer. Support by Commission members was expressed of a staggered start.

It was noted there was a high need for planning committee members or if anyone was interested in participating at any scale, contact the Parks and Recreation Department.

- b. **Action/Approval** – Ratify the Commission’s Decision Regarding Future In-Person and/or Virtual Meetings.

#### **MOTION:**

Commissioner Winger **MOVED** to approve the transition to in-person and Zoom virtual hybrid meetings and Commissioner Dennis **SECONDED** the motion. There were no objections; **SO ORDERED**.

#### **7. REPORTS**

- a. **Parks and Recreation Director** – Director Frates reported there were limited summer hires this year but it was impressive on how much had been accomplished this summer; noted the employee spotlight in the department newsletter recognizing outstanding employees; and recognized the Department Admin Assistant for the hard work in development of this year’s flower guide. He further reported that the Silver Salmon Derby was scheduled for September 15<sup>th</sup> – 20<sup>th</sup>; over 25 trees were safely removed from the Kenai cemetery; RCIA (Recreation and Cultural Interests Area) signs would be installed soon near the intersection of Old Town Kenai; and a joint Beautification Committee and Parks and Recreation Commission work session was being scheduled for August 13 to tour the Kenai Gardens.
- a. **Commission Chair** – None.
- b. **City Council Liaison** – Council Member Molloy reported on the recent actions of the August 5 City Council meeting, including naming of the City of Kenai’s Wildlife Viewing Platform, an update on the Beaver Loop pedestrian pathway, and the City Manager’s report of COVID-19 on the Kenai Peninsula.

**8. NEXT MEETING ATTENDANCE NOTIFICATION** – September 3, 2020

**9. COMMISSION QUESTIONS & COMMENTS** – None.

**10. ADDITIONAL PUBLIC COMMENT** – None.

#### **11. INFORMATION**

- a. Department Newsletter – “Kenai Breeze”
- b. Beautification Brochure 2020

c. Kenai Park & Trail Guide

**12. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 6:40 p.m.

Meeting summary prepared and submitted by:

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Jacquelyn LaPlante  
Deputy City Clerk

DRAFT



August 11, 2020

Re: 202 Evergreen Project Update

Below is a quick update on the project located at 202 Evergreen Street.

A building permit was issued September 4, 2018 for the conversion of an existing apartment building to be changed into a multi-use facility for the following uses.

- U (Utility) – Agricultural Buildings
- R-3 (Residential) Single Family Residence

During a recent site visit, it was observed that Mr. Lee is proceeding with the project as permitted by the City of Kenai. Roof trusses have been installed and sheathed on the south end of the building. Exterior sheathing and siding has been painted. Refer to photos below.





After discussions with Mr. Lee, he is going to request that his building permit be extended. It is the intention of the Building Department to work with him and extend the permit for the duration of one year since he is making progress on the project. The City of Kenai has a long history of allowing citizens to extend their permits when necessary and we want to be consistent.

Michael Wesson

Building Official





# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**THROUGH:** Dave Ross, Police Chief  
**FROM:** Jessica “JJ” Hendrickson, Animal Control Chief  
**DATE:** August 5, 2020  
**SUBJECT:** July 2020 Monthly Report

This month the Kenai Animal Shelter took in **40** animals. Animal intake and disposition:

DOGS:				
	INTAKE	23	DISPOSITION	16
	Waiver	5	Adopted	6
	Stray	9	Euthanized	1
	Impound	0	Claimed	8
	Protective Custody	0	Field Release	0
	Quarantine	3	Transferred	1
	Other Intakes	6	Other Dispositions	0
CATS:				
	INTAKE	15	DISPOSITION	17
	Waiver	9	Adopted	11
	Stray	4	Euthanized	0
	Impound	0	Claimed	2
	Protective Custody	0	Field Release	0
	Quarantine	0	Transferred	4
	Other Intakes	2	Other Dispositions	0

OTHER ANIMALS:				
	INTAKE	2	DISPOSITION	2
	Bird	2	Bird	2
	Rabbit	0	Rabbit	0
	Chicken	0	Chicken	0
	DOA:	9	OTHER STATISTICS:	
	Dog	7	Licenses (City of Kenai Dog Licenses)	16
	Cat	2	Microchips (Dog and Cat)	16

- 3 Animal dropped with After Hours (days we are closed but cleaning and with KPD)
- 20 Animals are *known* borough animals
- 42 Animals are *known* City of Kenai
- 6 Animals are *known* City of Soldotna
- 2 Animals from unknown location
- 56 Field Investigations & patrols
- 0 Volunteer Hours Logged
- 1 Citations
- 0 Educational Outreach

Statistical Data:

- 469 2018 YTD Intakes
- 505 2019 YTD Intakes
- 454 2020 YTD Intakes





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Mary Bondurant, Airport Manager  
**DATE:** August 10, 2020  
**SUBJECT:** **Airport Mid-Month Report August 2020**

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2018 Terminal Rehabilitation Project – Construction: The project is in the final stages of completion; signage, seating, boiler replacement, and tank removal.

2019 Alaska Fire Training Facility Rehabilitation & Acquire Aircraft Rescue and Firefighting Trucks (ARFF) – The contractor will be back on-site the end of August to complete the project. The two ARFF vehicles are on-order with OSHKOSH.

2020 Acquire SRE (Loader) – The Office of the Secretary of Transportation has given grant authority and the FAA is working on the grant offer for the City.

2020 Sand/SRE Storage Building – This project will be advertised starting on August 10, 2020 for three weeks with a bid opening on August 31, 2020. A grant application was submitted to the FAA on August 7, 2020.

2020 Land Acquisition – A grant application was submitted to the FAA on July 20, 2020 and the City is waiting for the grant offer to complete this acquisition.

### In-house Activities:

RAVN Shutdown – City Administration met via ZOOM with Float Shuttle representatives on August 4, 2020. A final sale hearing was held on August 4, 2020 with closing on Friday, August 7th. Float Shuttle will operate as Corvus Airlines, Inc. d/b/a RAVN Alaska. They are waiting for FAA and DOT approval to start scheduled service around the second week of September.

100 Years of Flight Service – **WILL BE A VIRTUAL CELEBRATION.** The event is scheduled for August 20, 2020, with the Vice-President for Systems Operations Mike Artist and the Director for Flight Service Steve Villanueva scheduled along with other dignitaries to celebrate 100 years of Flight Service Stations.

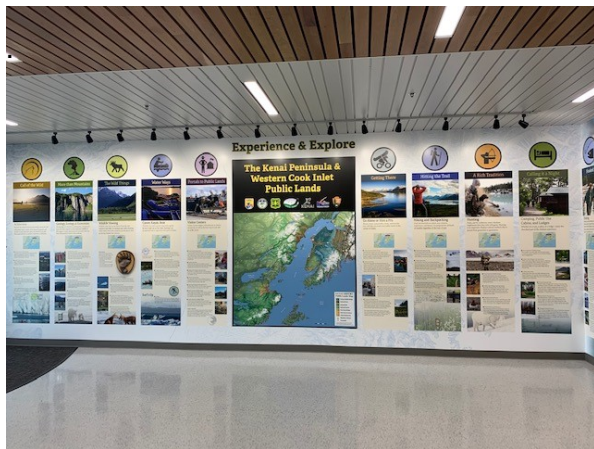
Kenai Airport Storm Water Pollution Prevention Plan Update – The Airport is required to update the existing facility-wide Storm Water Pollution Prevention Plan (SWPPP) to meet the



requirements of the Alaska Department of Environmental Conservation’s 2020 Multi Sector General Permit for Stormwater Discharges associated with Industrial Activity. HDL will subcontract to Nelson Engineering, Inc. for the preparation of the SWPPP update. A storm water survey has been sent to airport tenants. Once the surveys have been completed and returned the current SWPPP will be updated and a new NOI will be submitted by the September 30, 2020 deadline.

Interagency Public Lands Display – The new display was installed over the July 31, 2020 weekend. The exhibit is larger and really eye-catching! The project theme and vision was to provide information on the recreation opportunities on the State and Federal public lands of the Kenai Peninsula and western Cook Inlet. The project murals span over 78 linear feet at the north end of the terminal building with over 50 high quality wildlife and nature photos worked into the design. The total project budget was \$35,000.

Thank you to all the partners: City of Kenai, Kenai Municipal Airport, Kenai National Wildlife Refuge–U.S. Fish and Wildlife Service, Alaska State Parks–Kenai and Prince William Sound District, Alaska Fish and Game–Lands and Refuge Program, Katmai National Park and Preserve –National Park Service, Lake Clark National Park and Preserve–National Park Service, Kenai Fjords National Park Service–National Park Service, and the Chugach National Forest–U.S. Forest Service. Special acknowledgements to the many Alaska Native people and the culture of the region.



Page 2 of 2





## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** August 13, 2020

**SUBJECT:** Finance Department, August 2020 Mid-month Report

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The department completed its part of the 2020 Personal Use Fishery management and is working toward completion of the annual report on the fishery. Fishery revenue was \$524,387 which was 120.25% of the FY2021 budgeted amount of \$436,075. Total expenditures are still being compiled and a full financial analysis will be part of the annual report.

The project to install cameras at the historic cabin site in Old Town Kenai is underway and should be completed in the next 60 to 90 days. The project involves IT, public works and the planning department.

The FY2021 City Budget has been submitted to the Government Finance Officers Association of the United States and Canada for review in anticipation of receiving its Distinguished Budget Presentation Award. Review will likely take several months.

With the end of FY2020, the department's focus has switched to closing of that year's books and completion of the City's Comprehensive Annual Financial Report. This process includes closing of the FY20 financial records, fiscal year end grant reporting, completion of the annual Audit and finally financial statement preparation. The annual audit is scheduled for the week of October 5<sup>th</sup>.

Today I was appointed as treasurer for the Alaska Municipal League Joint Insurance Arrangement (AMLJIA). This appointment will provide me an opportunity to become involved at the policy level of the City's new insurer. As a board member of the City's previous insurer I found the experience very valuable to the City and myself personally. I expect the same experience with the AMLJIA and would like to express my gratitude to the City and City Manager for affording me the opportunity.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Tony Prior, Fire Chief  
**DATE:** Aug 7, 2020  
**SUBJECT:** Fire Department Mid-Month Report - July

We made it through dip net season without too many calls to the river or beaches. We have identified a few things to change for next season that will improve responses to incidents on the river, as well as on the beaches. That being said, here are our numbers for the month of July.

Year	2019	2020	% change				
July total	140	120	-14.3%				
EMS	92	87	-5.4%				
All Other	48	33	-31.3%				
Year total	921	787	-14.5%				
Covid 19		1 Suspected					
Dipnet fishery	6	15		38 calls were not logged as yes or no			

Mac Lee started on the 13<sup>th</sup> and we are now back up to full staff. We are focused on getting our newest members trained on our expanded scope medical training and have been working closely with Dr. Warix on accomplishing this. All 3 individuals (Luecker, Voss, Oden) that tested with the State of Alaska for their Fire Officer I, have successfully passed their exams and are now nationally certified.

2 utility trucks have been ordered from Kendal Ford and are scheduled to be delivered to Alaska at the beginning of November. We worked with AST dispatch and CES to build automated run data and are currently planning on going live with our new Station Alerting program on the 17<sup>th</sup> of August.







## MEMORANDUM

**TO:** Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Katja Wolfe  
**DATE:** August 6, 2020  
**SUBJECT:** Library Mid-Month Report July 2020

The Kenai Community Library reopened to the public on June 22, 2020 with reduced building capacity and Grab & Go services. We are also offering curbside pickup services during this ongoing public health emergency. For more information on all the services we provide, please visit our website at <https://www.kenai.city/library>.

### July 2020 at a Glance

		Jul-19	Jul-20	2020 YTD
<b>Checkouts</b>				
Physical		8,300	4,193	29,545
Digital		1,620	1,404	9,547
<b>Visits</b>				
Number of Visitors		8,205	2,163	16,438
New Library Cards		67	23	156
Room Use		179	n/a	396
<b>Programs</b>				
Number of Programs		52	18	157
Program Attendance		508	n/a	n/a
Volunteer Hours		115	n/a	105
<b>Technology Sessions</b>				
Computer Sessions		931	382	2,259
iPad Sessions		140	n/a	203
WiFi Sessions		n/a	2,904	9,851
Early Literacy Station Sessions		460	n/a	786

### July 2020 programming highlights

- All in-person programs canceled in July 2020
- We continued our virtual classroom programs on Facebook and YouTube (average of 4 programs per week)
  - Weekly Lego® challenge
  - Virtual story time
  - DIY and STEAM programs
  - Oil portrait demo
  - Summer Reading Jr. Explorer Club
- We reached over 6,300 individuals on our social media platforms

### July 2020 library services highlights

- Circulation nearly doubled from June 2020 to July 2020
- 2,904 Wi-Fi sessions by 502 unique users
  - 6.92% increase of sessions from June 2020
- 23 new library cards issued
- Kenai library patrons continue to place holds on Soldotna library items and vice versa
  - We sent 211 items to Soldotna
  - We received 92 items from Soldotna
- We distributed 288 meals in July via our Summer Food Service program.



## FY 2020 highlights

**70,167**  
PHYSICAL CHECKOUTS



  
**15,658**  
DIGITAL CHECKOUTS

**54,580**  
VISITORS

### EVENTS AND CLASSES

#### CHILDREN'S EVENTS

3993 library users attended 228 events

#### TEEN EVENTS

102 library users attended 14 events

#### ADULT EVENTS

546 library users attended 43 events



**7,608**  
INTERNET SESSIONS

### Collection Maintenance FY 2020

Deselection of material from the collection is an ongoing process and an important part of collection management to ensure that the Library's materials are useful and accessible. Items are regularly removed to keep the collection current, accurate, and appealing. Here is an accounting of library materials sold, traded or otherwise disposed of in FY 2020.

- 3587 items were removed from the collection (about 4% of our total collection). The average publication date of the items was 1979 (median = 1998).
- Approximately 93% of the items were books.
- Approximately 600 items were donated to the Kenai Senior Center to be taken to clients while the stay-at-home order was in place.
- Approximately 393 items will be sold or recycled via a program called SustainableShelves.
- Approximately 2,000 items are currently stored in the library and will be auctioned off, donated or recycled responsibly.
- The rest of the items were disposed of due to severe damage or given to the Friends of the Kenai Community Library for fundraising purposes.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Robert J. Frates, Parks & Recreation Director  
**DATE:** August 11, 2020  
**SUBJECT:** **Mid-month Report - July**

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Much of the focus and attention early in July centered on preparation for the personal use fishery. Activities included staging the tractors and all-terrain vehicles, trimming vegetation along Meeks Trail, installing fencing and signs, organizing shack supplies and training. From an operations standpoint, the fishery went smoothly and the department didn't encounter too many issues. Both the Kenai Central High School Nordic Ski Booster Club and Salamatof Native Association assisted keeping the beaches free of litter and debris.

Our Groundskeeper, Ashlyn, has done an excellent job this summer caring for and maintaining the City's flowers and landscaped areas. She has spent countless hours pruning and fertilizing the many trees throughout town. Two crabapple trees were planted at the Airport Operations Facility off Willow St. Ashlyn also completely refurbished the shrub bed surrounding the town clock located at Leif Hansen Memorial Park.

Pavilion reservations are significantly down from previous summers and only six (6) reservations were recorded in July.

Staff installed two Purple Heart signs along the Kenai Spur Highway earlier in July and the Old Town Historic District have arrived and are scheduled to be installed once the line locates are completed.

Two large July events were cancelled due to COVID-19, including 4<sup>th</sup> July parade and the Kenai Softball Association's annual Firecracker Tournament. Local league play for the adult softball program concludes the week of August 10. Alliance Baseball and the Kenai Peninsula Soccer Club concluded their season toward the end of July and Kenai Little League is currently operating a fall program.

A total of 28 beetle-killed trees were removed from the cemetery and another three or four along Ryan's Creek Trail. The Public Works Department is currently removing beetle-kill trees in some easement areas throughout town.



## MEMORANDUM

**TO:** Elizabeth Appleby, City Planner  
**FROM:** Paul Ostrander, City Manager  
**DATE:** August 11, 2020  
**SUBJECT:** **Planning and Zoning July 2020 Report**

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### Planning and Zoning Commission Agenda Items and Resolutions

- Resolution PZ2020-18 - Preliminary Subdivision Plat of Eventyr Subdivision No. 3, submitted by Edge Survey and Design LLC, P.O. Box 59, Kasilof, AK 99669, on behalf of Molly E. Hannigan, 108 Linwood Lane, Kenai, AK 99611, and Christopher Etheridge, P.O. Box 1406, Kenai, AK 99611
- Resolution PZ2020-19 - Preliminary Subdivision Plat of Oberts Pillars Subdivision Donaghe Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Thomas Donaghe, 3305 Togiak St., Unit A, Kenai, AK 99611

### Building Permit and Site Plan Reviews

Planning and Zoning staff reviews all Building Permits for compliance with the zoning code. The Department conducted 3 Building Permit reviews in July 2020.

### Code Enforcement

1 case was opened in July 2020 for Garbage.  
2 cases were opened in July 2020 for Debris and Junk.  
1 case was opened in July 2020 for an Abandoned Vehicle.  
1 case was opened in July 2020 for Other Violation.

### Lands

- Lease assignment from DeWayne Benton to Joel Caldwell
- Purchase of land within the Kenai Municipal Airport Runway Protection Zone approved





# MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council

**THROUGH:** Paul Ostrander, City Manager

**FROM:** David Ross, Police Chief

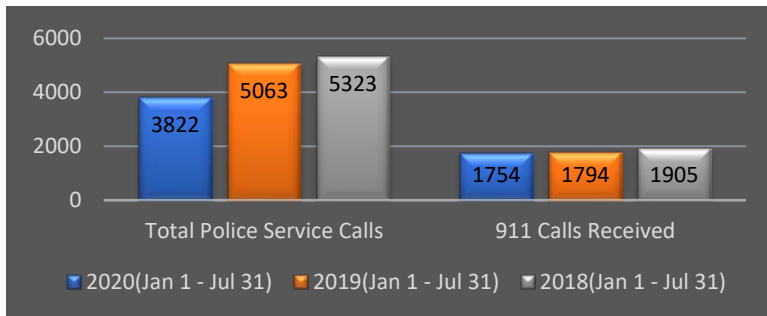
**DATE:** August 10, 2020

**SUBJECT:** Police & Communications Department Activity – July 2020

Police handled 756 calls for service in July. Dispatch received 358 9-1-1 calls. Officers made 54 arrests. Traffic enforcement resulted in 132 traffic contacts and 38 traffic citations. There were 8 DUI arrests. Officers investigated 12 motor vehicle crashes. There were two collisions involving moose. There were no collisions involving drugs or alcohol. The cancellation of the July 4<sup>th</sup> parade alleviated the need for multiple officers to work the holiday for traffic control.

The KPD officer on the regional SERT team attended two days of training. One new officer was hired and sent to the DPS Academy in Sitka to start his basic police academy. Officers did not participate in other external training during the month of July. Various statewide trainings continue to be cancelled or postponed due to Covid. The Department is working on conducting needed and available training in an online capacity in the coming months.

The Department continues to see call volumes rise each month from a low of 450 in April to 756 in July. However, call volumes continue to be much lower than recent prior years. The drastic shift in call volume comes in conjunction with the Covid-19 health emergency. Due to Covid testing and/or symptoms, multiple officers had to be put on leave for short durations, impacting officer schedules. No officers have tested positive for Covid.





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Scott Curtin, Public Works Director  
**DATE:** August 2020  
**SUBJECT:** **Mid-Month Report; Public Works / Capital Projects**

- Terminal Building Rehabilitation Project – The project reached Substantial Completion on March 27, 2020! Project is nearing closeout, final change orders are pending. Replacement boilers were approved by the FAA on June 10, 2020 and have now arrived! Please also stop by and check out the new Park Service graphics installed throughout the north end of terminal.



- Alaska Regional Fire Training Facility Building Rehabilitation Project – The project reached Substantial Completion on June 2, 2020 and Fire Training is actively taking place. Staff will be working with the FAA on project closeout over the next 60-90 days.
- Alaska Regional Fire Training Facility Equipment Rehabilitation Project - The project reached Substantial Completion on March 13, 2020 and Fire Training is actively taking place. Staff

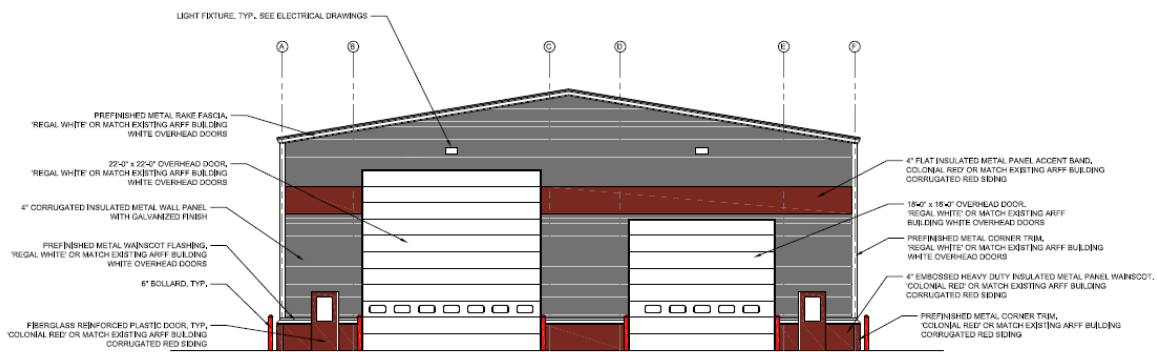


will be working with the FAA on project closeout over the next 60-90 days. The contractor has yet to return to Alaska to complete punch list, travel restrictions due to COVID has caused some delay. *The Contractor is scheduled to return to Kenai on August 28<sup>th</sup> and be on site for several weeks through September training and intends to complete remaining punch list items.*

- Kenai Municipal Airport Wheeled Loader Replacement – An Invitation to Bid was released on May 20, 2020 with bids due on June 10, 2020. Two bids were received with Yukon Equipment, Inc. providing the lowest responsive bid for 2020 Case model 621G and associated attachments. Total cost of loader with all attachments as well as some minor administrative costs equal \$270,000. An FAA grant will be covering 100% of the costs.



- Kenai Municipal Airport Sand Storage Facility – The City executed a design agreement to HDL Engineering on April 17, 2020 for a new Sand Storage Facility. *On August 7, 2020 Final Design Documents were received and a Formal Invitation to Bid was released on August 10<sup>th</sup> with Bids due on August 31<sup>st</sup>, 2020. The building is 5600sf and consists of a large sand bay capable of holding more than 1300cy of sand, as well as a parking bay for the new wheeled loader and a sanding truck. Project remains on time and within anticipated budgeted amounts per current estimates.*



A7 WEST ELEVATION  
A3.1 3/16" = 1'-0" (22x34) 3/32" = 1/4" (11x17)



- Dock repair – An Invitation to Bid was released on May 29, 2020 with Bids due on June 19, 2020. *No bids were received. On July 10, 2020 the project was re-advertised for bids with bids due on July 27, 2020. The City received one Bid from Endries Company in the amount of \$298,365. Ordinance 3154-2020 was introduced on August 5, 2020 and once approved on August 19, 2020 the project will begin to move forward.*
- Peninsula Avenue Bluff Erosion 2020 – An Invitation to Bid was released on May 31, 2020 with Bids due on June 19, 2020. Four bids were received with Foster Construction being the lowest responsive responsible bidder at \$94,670. Council approved the project through passage of Resolution 2020-57 at the July 1, 2020 meeting. *Contractor is anticipated to mobilize to the site on approximately August 25, 2020, they are currently working on other projects in town.*
- Vault Restrooms – 100% Design documents were received on June 10, 2020 from Nelson Engineering. An Invitation to Bid was released on June 14, 2020 with Bids due on June 29, 2020. Four bids were received with Polar North Construction being the lowest responsive responsible bidder at \$359,850. Council approved the project through passage of Resolution 2020-58 at the July 1, 2020 meeting. *Contract documents were executed on July 23, 2020 and the Design Team have been approving submittals.*
- Waste Water Treatment Plant Master Plan – HDL Engineering Consultants will be beginning to assist the Public Works Department in development of a new Master Plan for the facility. The last one was completed in March 2004. Resolution 2020-48 was approved at the June 17, 2020 Council meeting allowing this work to proceed. On July 2, 2020 HDL staff and consultants spent the day on the property going through all systems of the plant, it is anticipated that these services will take place throughout the summer months. HDL also continues to assist the department with the renewal of our APDES Permit which expires every five years.
- USACE Bluff Erosion – See City Manager's report. Director's Report from the Army Corp of Engineers was signed April 10, 2019. As of April 29, 2020 we are waiting on a Section 221 MOU (Memorandum of Understanding) from the Army Corp of Engineers. *On June 17, 2020 Council authorized the City Manager to sign the MOU received from the Corp. August 4, 2020 phone conference with the Corp indicated the PED Agreement is anticipated to arrive around September 1, 2020.*





## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Kathy Romain, Senior Center Director  
**DATE:** August 12, 2020  
**SUBJECT:** **July 2020 Monthly Report**

Home Delivered Meals	1378
Home Delivered Meals – COVID-19	915
Pick Up Meals – COVID-19	118
Grocery Shopping Assistance	4
Vintage Pointe Meals – COVID-19	364

Though closed to the public, the Senior Center continues to provide services to our senior population. During this crisis we have been able to offer the following:

- Home delivered meals, served Monday – Friday to over 100 individuals in the greater Kenai area.
- Shopping and delivery assistance through Country Foods.
- Prescription pickups and delivery.
- Low income food box delivery.
- Telephone support and wellness checks.
- Information on COVID19, State of Alaska benefits, IRS Economic Impact payments, and the newest scams surrounding the current crisis.

In addition to this, the staff has been working on various projects including:

- COVID-19 grant opportunities.
- Shelf stable food boxes for senior pick up and home delivery.
- Upcoming reopening phases research.
- Vintage Pointe tenant moves.
- COVID-19 frozen home meals.
- Outside yard and flower maintenance.



## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**THROUGH:** Paul Ostrander, City Manager

**FROM:** Terry Eubank, Finance Director

**DATE:** August 13, 2020

**SUBJECT:** Quarterly Financial Report for the quarter ended June 30, 2020.

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Attached is a quarterly financial report for the General Fund, Personal Use Fishery Fund, Airport Fund, Water/Sewer Fund, and Senior Fund as of June 30, 2020. This report is essentially on a cash basis, so there are accounts that may not look reasonable.

In the General Fund for example, sales and property tax revenue only includes payments made to the City by the Borough through May. The second calendar quarter 2020 sales tax filings and tax payments are not represented in the balances. FY2020 revenue amounts will not be accurate for a few months because of the delay in receipt of the payments.

State and Federal is below budget in all funds because of PERS aid. The State doesn't actually give us any money. Instead they make an 'on-behalf' payment to the pension system. Similarly we have not booked expenditures for the PERS the State is covering, so the Non-Departmental department is way under budget. At year-end we will record revenue and expenditures for these items.

The actual financial performance of each fund will be presented when the City's Comprehensive Annual Financial Report is completed. This report will be on the modified accrual basis for Governmental Funds and will show a more accurate picture of each funds financial performance for FY2020. The report is expected in November after completion of the annual audit the second week of October and will be presented to Council in early December.

**Quarterly General Fund  
Expenditure Report  
For Quarter Ended June 30, 2020**

	FY2019 <u>Actual</u>	Original * FY2020 <u>Budget</u>	Amended <u>Budget</u>	YTD <u>Actual</u>	<u>Variance</u>	<u>%</u>
<b>REVENUES</b>						
Appropriation of Fund Balance	\$ -	\$ 1,222,687	\$ 1,263,158	\$ -	\$ (1,263,158)	0.00%
Taxes	11,049,181	11,327,867	11,327,867	10,131,692	(1,196,175)	89.44%
Licenses/Permits and Ambulance	535,038	647,500	647,500	689,497	41,997	106.49%
State/Federal	943,704	982,382	1,067,805	464,809	(602,996)	43.53%
Dock/Multipurpose/Miscellaneous	144,574	138,500	138,500	143,257	4,757	103.43%
Fines and Forfeitures	92,076	93,000	119,546	89,286	(30,260)	74.69%
Interest and Miscellaneous	704,371	515,346	563,859	863,417	299,558	153.13%
Transfers/Central Admin Fees	<u>1,851,814</u>	<u>1,770,252</u>	<u>1,770,252</u>	<u>1,783,239</u>	<u>12,987</u>	<u>100.73%</u>
<b>Total Revenues</b>	<b><u>15,320,758</u></b>	<b><u>16,697,533</u></b>	<b><u>16,898,486</u></b>	<b><u>14,165,197</u></b>	<b><u>(2,733,289)</u></b>	<b><u>83.83%</u></b>
<b>EXPENDITURES &amp; TRANSFERS</b>						
General Government						
01 City Clerk	\$ 298,831	\$ 301,564	\$ 301,564	\$ 270,693	\$ 30,871	10.24%
11 Legislative	162,769	162,868	162,868	149,585	13,283	8.16%
12 Legal	326,469	348,786	348,786	316,640	32,146	9.22%
13 City Manager	334,928	364,214	369,114	357,433	11,681	3.16%
14 Human Resources	113,691	173,045	173,045	167,031	6,014	3.48%
15 Finance	670,699	739,025	744,025	693,477	50,548	6.79%
16 Land Administration	12,878	21,354	21,354	7,004	14,350	67.20%
18 Non-Departmental	772,823	1,048,345	1,027,434	568,856	458,578	44.63%
19 Planning and Zoning	208,010	235,222	235,222	208,344	26,878	11.43%
20 Safety	<u>4,800</u>	<u>19,150</u>	<u>19,150</u>	<u>790</u>	<u>18,360</u>	<u>95.87%</u>
Total General Government	<u>2,905,898</u>	<u>3,413,573</u>	<u>3,402,562</u>	<u>2,739,853</u>	<u>662,709</u>	<u>19.48%</u>
Public Safety						
21 Police	2,996,873	3,298,413	3,346,028	2,190,993	1,155,035	34.52%
22 Fire	3,038,836	3,234,703	3,270,235	2,162,087	1,108,148	33.89%
23 Communications	789,112	867,178	867,178	576,365	290,813	33.54%
29 Animal Control	<u>403,015</u>	<u>441,804</u>	<u>442,589</u>	<u>403,903</u>	<u>38,686</u>	<u>8.74%</u>
Total Public Safety	<u>7,227,836</u>	<u>7,842,098</u>	<u>7,926,030</u>	<u>5,333,348</u>	<u>2,592,682</u>	<u>32.71%</u>
Public Works						
31 Public Works Administration	128,129	194,711	194,711	163,015	31,696	16.28%
32 Shop	609,296	644,715	644,715	609,553	35,162	5.45%
33 Streets	1,017,766	1,013,174	1,013,174	781,066	232,108	22.91%
34 Buildings	337,504	373,427	388,427	359,470	28,957	7.45%
35 Street Lighting	174,937	190,602	190,602	177,965	12,637	6.63%
60 Dock	<u>35,018</u>	<u>66,066</u>	<u>66,066</u>	<u>50,915</u>	<u>15,151</u>	<u>22.93%</u>
Total Public Works	<u>2,302,650</u>	<u>2,482,695</u>	<u>2,497,695</u>	<u>2,141,984</u>	<u>355,711</u>	<u>14.24%</u>
Parks and Recreation & Culture						
03 Visitor Center	175,310	173,198	183,017	165,169	17,848	9.75%
40 Library	831,690	903,284	914,829	808,850	105,979	11.58%
45 Parks, Recreation & Beautification	<u>1,075,716</u>	<u>1,101,480</u>	<u>1,180,240</u>	<u>1,050,912</u>	<u>129,328</u>	<u>10.96%</u>
Total Parks and Recreation & Culture	<u>2,082,716</u>	<u>2,177,962</u>	<u>2,278,086</u>	<u>2,024,931</u>	<u>253,155</u>	<u>11.11%</u>
<b>Total Operating Expenditures</b>	<b><u>14,519,100</u></b>	<b><u>15,916,328</u></b>	<b><u>16,104,372</u></b>	<b><u>12,240,116</u></b>	<b><u>3,864,256</u></b>	<b><u>24.00%</u></b>
Transfer to other funds						
Street Improvement Capital Project Fund	200,000	200,000	200,000	200,000	-	0.00%
Senior Center Impr. Capital Projects	34,500	-	-	-	-	-
Kenai Recreation Center Capital Project Fund	27,500	100,000	100,000	100,000	-	0.00%
Trail Construction Capital Project Fund	-	37,800	37,800	37,800	-	0.00%
Public Safety Building Capital Proj. Fund	35,000	-	-	-	-	-
Public Safety Capital Project Fund	-	-	12,218	12,218	-	0.00%
Library Improvement Capital Proj. Fund	-	50,000	50,000	50,000	-	0.00%
Senior Citizen Special Revenue Fund	182,027	253,308	253,999	60,493	193,506	76.18%
Debt Service	<u>143,271</u>	<u>140,097</u>	<u>140,097</u>	<u>139,853</u>	<u>244</u>	<u>0.17%</u>
Total Transfer to other funds	<u>622,298</u>	<u>781,205</u>	<u>794,114</u>	<u>600,364</u>	<u>193,750</u>	<u>24.40%</u>
<b>Total Expenditures &amp; Transfers</b>	<b><u>15,141,398</u></b>	<b><u>16,697,533</u></b>	<b><u>16,898,486</u></b>	<b><u>12,840,480</u></b>	<b><u>4,058,006</u></b>	<b><u>24.01%</u></b>
<b>Net Revenues over(under) Expenditures</b>	<b><u>\$ 179,360</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 1,324,717</u></b>	<b><u>\$ 1,324,717</u></b>	

\* Note: The original budget includes outstanding encumbrances at 6/30/2019.

**Quarterly Personal Use Fishery Fund  
Expenditure Report  
For Quarter Ended June 30, 2020**

	FY2019 <u>Actual</u>	Original * FY2020 <u>Budget</u>	Amended <u>Budget</u>	YTD <u>Actual</u>	<u>Variance</u>	<u>%</u>
<b><u>REVENUES</u></b>						
Appropriation of Fund Balance	\$ -	\$ 64,973	\$ 65,515	\$ -	\$ (65,515)	-100.00%
Beach Parking	118,308	146,460	146,460	144,330	(2,130)	-1.45%
Beach Camping	129,939	170,100	170,100	149,788	(20,312)	-11.94%
Dock Launch & Park	91,358	101,600	101,600	105,275	3,675	3.62%
Dock Parking Only	9,547	10,800	10,800	11,736	936	8.67%
Participant Drop-off Fee	5,943	6,715	6,715	4,698	(2,017)	-30.04%
Interest Earnings	7,624	750	750	-	(750)	-100.00%
PERS Grant	2,743	4,637	4,637	-	(4,637)	-100.00%
Credit Card Fees	(3,250)	(3,500)	(3,500)	(4,306)	(806)	23.03%
<b>Total Revenue</b>	<b><u>362,212</u></b>	<b><u>502,535</u></b>	<b><u>503,077</u></b>	<b><u>411,521</u></b>	<b><u>(91,556)</u></b>	<b><u>-18.20%</u></b>
<b><u>EXPENDITURES &amp; TRANSFERS</u></b>						
Public Safety	\$ 92,515	\$ 88,051	\$ 88,146	\$ 81,207	\$ 6,939	7.87%
Streets	42,695	55,235	55,290	29,728	25,562	46.23%
Boating Facility	45,077	64,161	64,279	51,101	13,178	20.50%
Parks, Recreation & Beautification	227,025	245,088	245,362	211,039	34,323	13.99%
<b>Total Operating Expenditures</b>	<b><u>407,312</u></b>	<b><u>452,535</u></b>	<b><u>453,077</u></b>	<b><u>373,075</u></b>	<b><u>80,002</u></b>	<b><u>17.66%</u></b>
Transfers to Other Funds - General Fund	50,000	50,000	50,000	50,000	-	0.00%
<b>Total Expenditures &amp; Transfers</b>	<b><u>457,312</u></b>	<b><u>502,535</u></b>	<b><u>503,077</u></b>	<b><u>423,075</u></b>	<b><u>80,002</u></b>	<b><u>15.90%</u></b>
<b>Net Revenues over Expenditures</b>	<b><u>\$ (95,100)</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ (11,554)</u></b>	<b><u>\$ (171,558)</u></b>	

\* Note: The original budget includes outstanding encumbrances at 6/30/2019.



**Quarterly Airport Fund  
Expenditure Report  
For Quarter Ended June 30, 2020**

	FY2019 <u>Actual</u>	Original * FY2020 <u>Budget</u>	Amended <u>Budget</u>	YTD <u>Actual</u>	<u>Variance</u>	<u>%</u>
<b><u>REVENUES</u></b>						
Appropriation of Fund Balance	\$ -	\$ 41,945	\$ 801,820	\$ 339,535	\$ (462,285)	0.00%
State/Federal	36,883	42,663	1,665,421	575,216	(1,090,205)	34.54%
Interest , Leases & Fees	728,771	737,260	737,260	646,725	(90,535)	87.72%
Terminal Revenues	864,804	767,127	767,127	647,518	(119,609)	84.41%
Landing Fees	410,697	505,500	505,500	331,128	(174,372)	65.51%
Transfers In	<u>1,203,690</u>	<u>908,811</u>	<u>908,811</u>	<u>928,251</u>	<u>19,440</u>	<u>102.14%</u>
<b>Total Revenues</b>	<b><u>3,244,845</u></b>	<b><u>3,003,306</u></b>	<b><u>5,385,939</u></b>	<b><u>3,468,373</u></b>	<b><u>(1,917,566)</u></b>	<b><u>64.40%</u></b>
<b><u>EXPENDITURES &amp; TRANSFERS</u></b>						
Terminal Area	\$ 550,783	\$ 616,753	\$ 617,312	\$ 546,173	\$ 71,139	11.52%
Airfield	1,691,992	1,750,795	1,754,785	1,666,647	88,138	5.02%
Administration	299,964	348,507	1,957,850	285,506	1,672,344	85.42%
Other Buildings & Areas	152,640	208,777	217,643	183,621	34,022	15.63%
Training Facility	<u>41,088</u>	<u>38,474</u>	<u>38,474</u>	<u>26,551</u>	<u>11,923</u>	<u>30.99%</u>
Total Expenditures	<u>2,736,467</u>	<u>2,963,306</u>	<u>4,586,064</u>	<u>2,708,498</u>	<u>1,877,566</u>	<u>40.94%</u>
Transfer to other funds						
Airport Improvement Capital Projects	<u>2,072,139</u>	<u>40,000</u>	<u>799,875</u>	<u>759,875</u>	<u>40,000</u>	<u>0.00%</u>
Total Transfer to other funds	<u>2,072,139</u>	<u>40,000</u>	<u>799,875</u>	<u>759,875</u>	<u>40,000</u>	<u>5.00%</u>
<b>Total Expenditures &amp; Transfers</b>	<b><u>4,808,606</u></b>	<b><u>3,003,306</u></b>	<b><u>5,385,939</u></b>	<b><u>3,468,373</u></b>	<b><u>1,917,566</u></b>	<b><u>35.60%</u></b>
<b>Net Revenues over Expenditures</b>	<b><u>\$ (1,563,761)</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	

\* Note: The original budget includes outstanding encumbrances at 6/30/2019.

**Quarterly Water Sewer Fund  
Expenditure Report  
For Quarter Ended June 30, 2020**

	FY2019 <u>Actual</u>	Original * FY2020 <u>Budget</u>	Amended <u>Budget</u>	YTD <u>Actual</u>	<u>Variance</u>	<u>%</u>
<b><u>REVENUES</u></b>						
Appropriation of Fund Balance	\$ -	\$ 639,830	\$ 694,175	\$ -	\$ (694,175)	0.00%
State/Federal	35,066	42,205	42,205	-	(42,205)	0.00%
Water/Sewer Fees	2,814,989	2,955,342	2,955,342	2,936,940	(18,402)	99.38%
Penalty and Interest	43,415	41,600	41,600	31,872	(9,728)	76.62%
Interest and Miscellaneous	123,138	15,480	15,480	12,424	(3,056)	80.26%
<b>Total Revenues</b>	<b><u>3,016,608</u></b>	<b><u>3,694,457</u></b>	<b><u>3,748,802</u></b>	<b><u>2,981,236</u></b>	<b><u>(767,566)</u></b>	<b><u>79.53%</u></b>
<b><u>EXPENDITURES &amp; TRANSFERS</u></b>						
Water	\$ 787,637	\$ 881,587	\$ 925,932	\$ 745,270	\$ 180,662	19.51%
Sewer	394,495	507,326	507,326	364,035	143,291	28.24%
Wastewater Treatment Plant	1,141,780	1,245,544	1,245,544	1,030,351	215,193	17.28%
Total Expenditures	<u>2,323,912</u>	<u>2,634,457</u>	<u>2,678,802</u>	<u>2,139,656</u>	<u>539,146</u>	<u>20.13%</u>
Transfer to other funds -						
Water & Sewer Capital Projects	110,400	1,060,000	1,070,000	1,070,000	-	-
Total Transfer to other funds	<u>110,400</u>	<u>1,060,000</u>	<u>1,070,000</u>	<u>1,070,000</u>	<u>-</u>	<u>-</u>
<b>Total Expenditures &amp; Transfers</b>	<b><u>2,434,312</u></b>	<b><u>3,694,457</u></b>	<b><u>3,748,802</u></b>	<b><u>3,209,656</u></b>	<b><u>539,146</u></b>	<b><u>14.38%</u></b>
<b>Net Revenues over Expenditures</b>	<b><u>\$ 582,296</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ (228,420)</u></b>	<b><u>\$ (228,420)</u></b>	

\* Note: The original budget includes outstanding encumbrances at 6/30/2019.

**Quarterly Senior Fund  
Expenditure Report  
For Quarter Ended June 30, 2020**

	FY2019 <u>Actual</u>	Original * FY2020 <u>Budget</u>	Amended <u>Budget</u>	YTD <u>Actual</u>	<u>Variance</u>	<u>%</u>
<b><u>REVENUES</u></b>						
Appropriation of Fund Balance	\$ -	\$ 23,460	\$ 23,460	\$ -	\$ (23,460)	0.00%
State Grants	204,464	205,831	244,206	230,221	(13,985)	94.27%
USDA Grant	24,938	20,000	20,000	20,471	471	102.36%
Choice Waiver	135,444	125,000	125,000	119,946	(5,054)	95.96%
KPB Grant	126,207	126,207	126,207	126,207	-	100.00%
United Way	3,631	15,000	15,000	-	(15,000)	0.00%
Rents & Leases	8,174	13,000	13,000	9,811	(3,189)	75.47%
Miscellaneous Donations	4,278	25,000	28,500	36,700	8,200	128.77%
Donations - Senior Connection	100,000	50,000	50,000	50,430	430	100.86%
Meal Donations	67,997	82,500	82,500	56,244	(26,256)	68.17%
Ride Donations	4,215	7,000	7,000	2,570	(4,430)	36.71%
Transfer from General Fund - Operations	170,857	239,208	239,899	60,493	(179,406)	25.22%
Transfer from General Fund - Capital	11,170	14,100	14,100	-	(14,100)	0.00%
Other	(7)	300	300	95	(205)	31.67%
<b>Total Revenues</b>	<b><u>861,368</u></b>	<b><u>946,606</u></b>	<b><u>989,172</u></b>	<b><u>713,188</u></b>	<b><u>(275,984)</u></b>	<b><u>72.10%</u></b>
<b><u>EXPENDITURES &amp; TRANSFERS</u></b>						
Senior Citizen Access	\$ 140,539	\$ 191,256	\$ 191,415	\$ 164,179	\$ 27,236	14.23%
Congregate Meals	231,082	261,266	273,651	240,472	33,179	12.12%
Home Meals	202,637	223,664	253,444	228,842	24,602	9.71%
Senior Transportation	80,929	104,527	104,596	97,512	7,084	6.77%
Choice Waiver	232,910	165,893	166,066	140,690	25,376	15.28%
<b>Total Expenditures</b>	<b><u>888,097</u></b>	<b><u>946,606</u></b>	<b><u>989,172</u></b>	<b><u>871,695</u></b>	<b><u>117,477</u></b>	<b><u>11.88%</u></b>
Transfer to other funds -	-	-	-	-	-	-
<b>Total Transfer to other funds</b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>
<b>Total Expenditures &amp; Transfers</b>	<b><u>888,097</u></b>	<b><u>946,606</u></b>	<b><u>989,172</u></b>	<b><u>871,695</u></b>	<b><u>117,477</u></b>	<b><u>11.88%</u></b>
<b>Net Revenues over Expenditures</b>	<b><u>\$ (26,729)</u></b>	<b><u>\$ -</u></b>	<b><u>\$ -</u></b>	<b><u>\$ (158,507)</u></b>	<b><u>\$ (158,507)</u></b>	

\* Note: The original budget includes outstanding encumbrances at 6/30/2019.



## MEMORANDUM

**TO:** Mayor Brian Gabriel and Kenai City Council  
**THROUGH:** Paul Ostrander, City Manager  
**FROM:** Terry Eubank  
**DATE:** August 3, 2020  
**SUBJECT:** June 30, 2020 Quarterly Investment Report

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### City of Kenai Investment Portfolio

At June 30, 2020 the City had investments with a market value of 23,805,169. That is up from \$21,555,810 at March 31, 2020. The infusion of CARES Act funding resulted in an increase in the portfolio. The City's portfolio is yielding 1.40% that is up from 2.04% at March 31, 2020. The Federal Reserve reduced the Federal Funds Rate twice in March 2020 in response to the COVID-19 Pandemic Emergency. The result is an increase in the portfolios change in fair market value which was \$9,752 at June 30, 2019 and \$374,950 at the end of June 2020. There is an inverse relationship between bond values and interest rates meaning when interest rates decrease, bond values increase. When interest rates decrease the market value of existing bonds increases. Unfortunately, as higher yielding securities mature they will be replaced at lower yields, causing the portfolio's rate of return to decrease in the future

### City's Investment Portfolio

US Agency Securities	\$ 1,513,530
AML Investment Pool	2,571,418
Wells Fargo Money Market	4,736,517
FDIC Insured Certificates of Deposit	12,686,499
Bank Balance	<u>2,297,205</u>
Total	\$ <u>23,805,169</u>

### Permanent Fund Investments

The second quarter 2020 saw significant recovery in the equity markets from the steep declines caused by the COVID-19 public health emergency and the virtual shutdown of the world's economies. Significant volatility continues as the economy tries to recover and get Americans back to work. Returns for the second quarter of 2020 were 10.80%. Since inception the portfolio has returned 7.65%. As of June 30, 2020 the portfolio value was \$29,575,015, comprised of

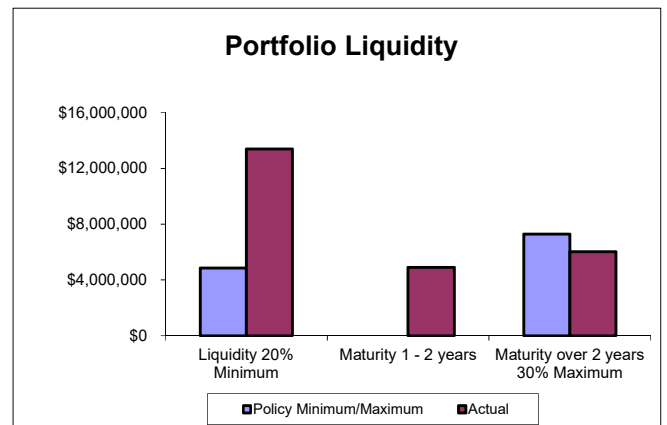
\$25,230,638 (85.31%) Airport Land Sale Permanent Fund, \$3,210,886 (10.86%) General Land Sale Permanent Fund monies, \$157,004 (0.53%) Kenai Community Foundation holdings, and \$976,487 (3.30%) Kenai Senior Connection holdings.



**CITY OF KENAI**  
**INVESTMENT PORTFOLIO SUMMARY**  
**June 30, 2020**

	<b>June 30, 2020 Fair Market Value</b>	<b>Current Yield</b>
<b>Cash &amp; Cash Equivalents</b>		
Wells Fargo Checking	\$ 2,297,205	0.01%
Wells Fargo Secured Money Market	4,736,517	0.06%
FDIC Insured Certificates of Deposit	12,686,499	2.24%
Alaska Municipal League Investment Pool	<u>2,571,418</u>	<u>0.19%</u>
Total Cash & Cash Equivalents	22,291,639	1.31%
<b>Government Securities</b>		
Maturities Less than 1 Year	1,513,530	2.79%
Maturities 1 to 2 Years	-	0.00%
Maturities Greater than 2 Years	<u>-</u>	0.00%
Total Government Securities	<u>1,513,530</u>	<u>2.79%</u>
Total Portfolio	<u>\$ 23,805,169</u>	<u>1.40%</u>

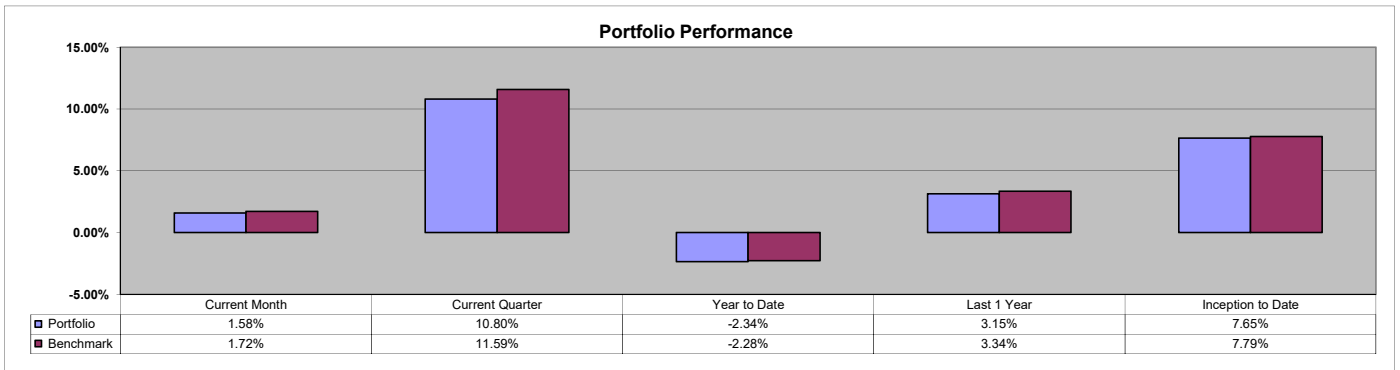
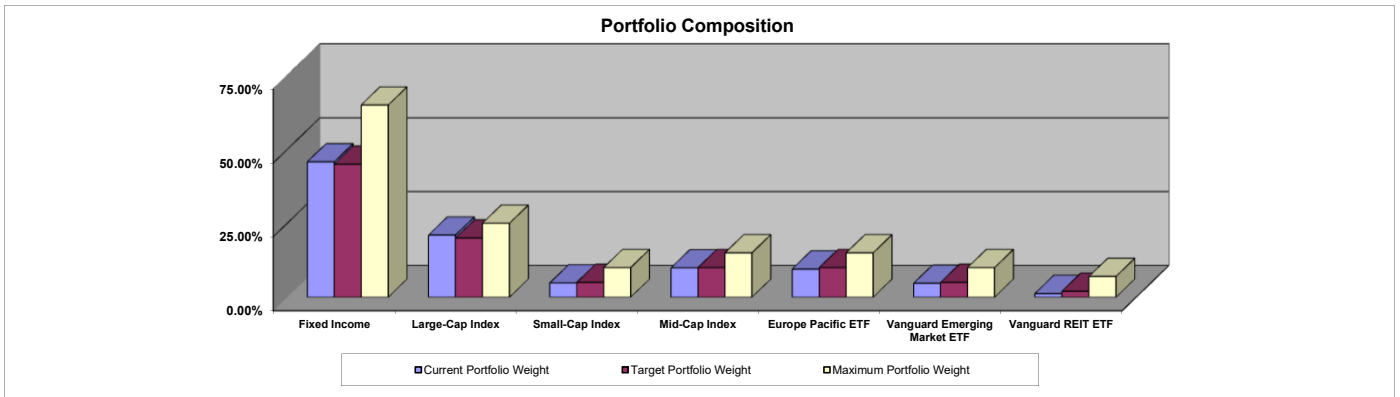
Investment Portfolio - Purchase Price	\$ 23,434,988
Investment Portfolio - Fair Value 06/30/19	<u>23,444,740</u>
Fair Value Adjustment - 06/30/19	9,752
Fair Value Adjustment thru - 6/30/2020	<u>365,198</u>
Cummulative Change in Fair Value	<u>\$ 374,950</u>



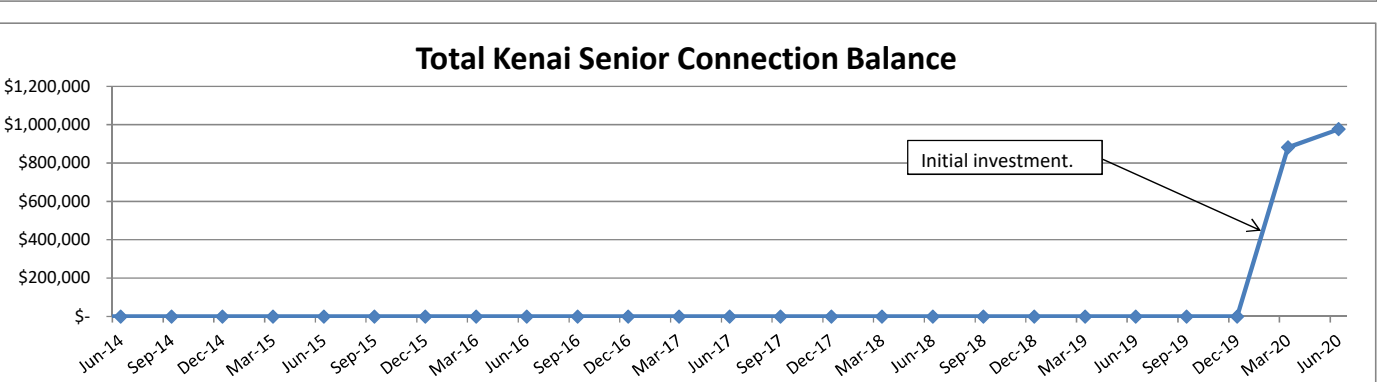
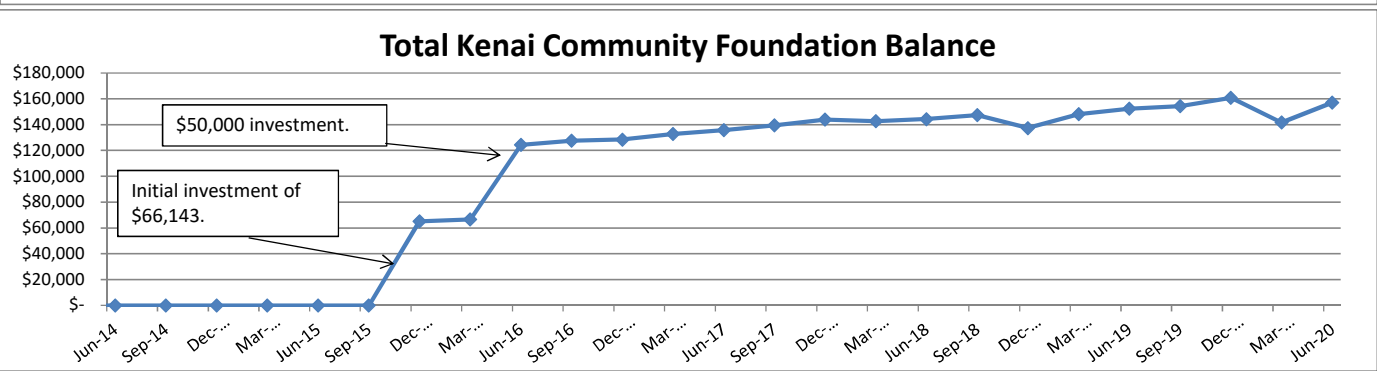
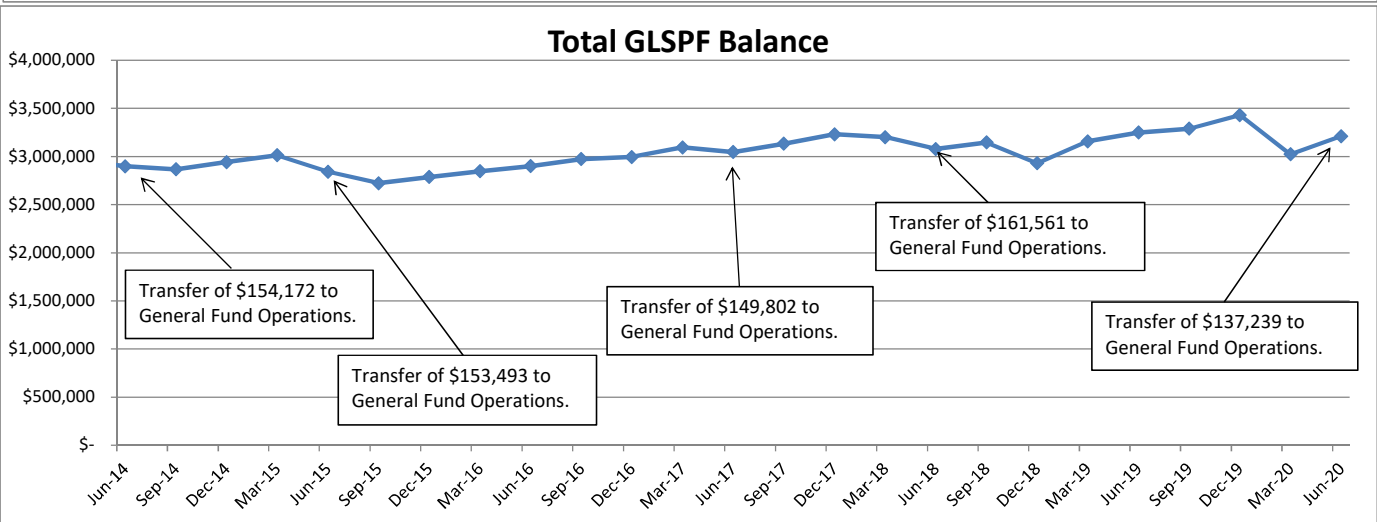
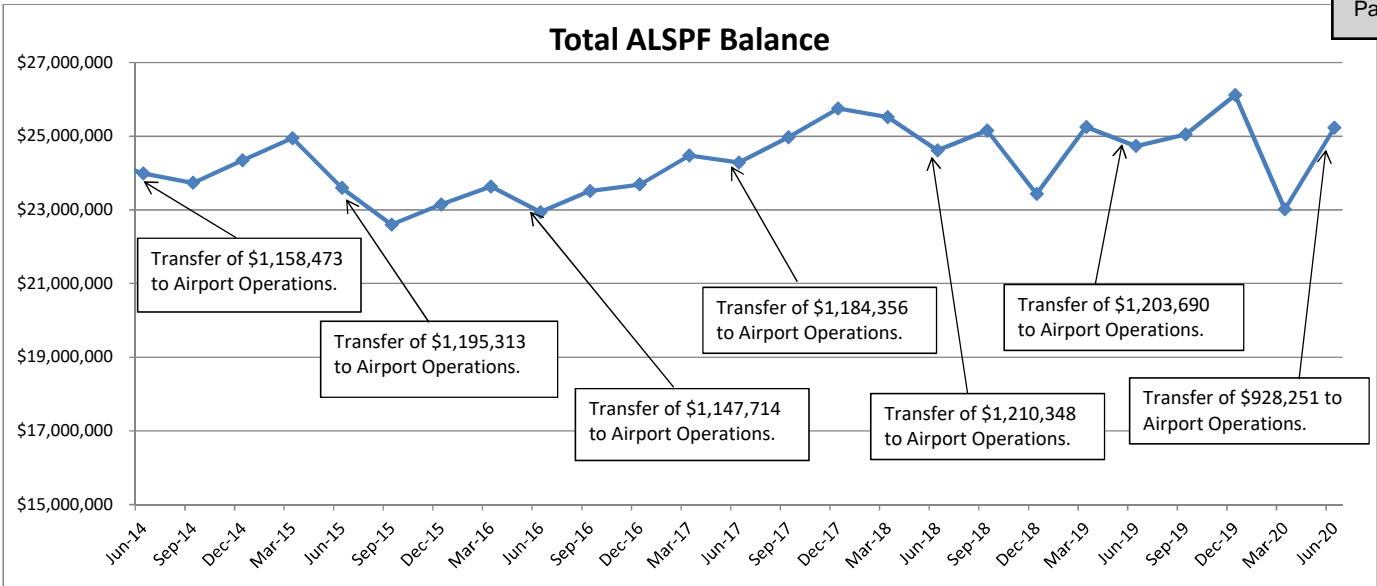
CITY OF KENAI  
INVESTMENTS  
6/30/2020

SECURITY	Expected Call or Maturity	CUSIP	original cost	Current year cost or 06/30/19 Market Value	06/30/20 Market Value	Unrealized Gain or Loss	Accrued Interest	EFFECT. RATE	DATE PURCH.	DATE DUE	
FHLMC 1.70 8/24/20	1 TIME 5/24/18 w/ 5 days	3134GBMD1	1,000,000	997,600.00	1,002,200.00	4,600.00	5,997.22	1.700	5/24/2017	8/24/2020	
TVA 3.875 2/15/21	Bullet	880591EL2	555,678	515,870.00	511,330.00	(4,540.00)	7,319.44	3.875	10/12/2016	2/15/2021	
TOTAL			1,555,677.71	1,513,470.00	1,513,530.00	60.00	13,316.66	2.788			
FDIC Insured CD's	CD - 12/31/10									#REF!	
2.45 GMATBK 5/3/21		57803	02007GJR5	245,082	246,109.85	249,797.10	3,687.25	986.71	2.450	5/7/2019	5/3/2021
3.55 AXP 12/4/23		27471	02589AA28	249,998	254,721.60	271,462.45	16,740.85	641.62	3.160	1/2/2019	12/4/2023
1.50 AMERPL 4/26/21		58469	02905LBK0	245,000	245,000.00	247,731.75	2,731.75	70.48	1.500	1/24/2020	4/26/2021
2.45 BWV 5/10/22		35141	05580ARK2	245,000	246,325.45	255,250.80	8,925.35	855.15	2.450	5/10/2019	5/10/2022
1.65 BAC 10/23/20		3510	06051VP34	245,000	245,000.00	246,193.15	1,193.15	1,772.05	1.650	1/23/2020	10/23/2020
1.65 BOBIN 12/11/20		33681	06063HJH7	247,000	247,000.00	248,714.18	1,714.18	2,244.32	1.650	12/13/2019	12/11/2020
1.75 SECSTB 12/18/24		8941	062163BN9	245,000	245,000.00	257,833.10	12,833.10	152.71	1.750	12/18/2019	12/18/2024
3.10 BANK MIDWEST CD 9/15/23		5170	063615BM9	245,000	250,130.30	266,555.10	16,424.80	2,205.67	3.100	9/17/2018	9/15/2023
1.60 OZK 11/8/20		110	06417NPQ0	247,000	247,000.00	248,276.99	1,276.99	2,207.68	1.600	12/6/2019	11/6/2020
2.45 SONHBT 5/23/22		24540	06426KBB3	245,000	246,332.80	255,397.80	9,065.00	131.56	2.450	5/23/2019	5/23/2022
2.30 BACR 10/18/22		57203	06740KLD7	245,000	244,605.55	256,551.75	11,946.20	1,142.44	2.300	10/18/2017	10/18/2022
1.60 BRKL 2/12/21		17798	11373QHS0	245,000	245,000.00	247,229.50	2,229.50	193.32	1.600	12/13/2019	2/12/2021
2.4 COF 4/19/22		33954	140420E9	247,000	247,995.41	256,788.61	8,793.20	1,185.60	2.400	4/19/2017	4/19/2022
2.4 COF 8/30/22		4297	14042RHS3	245,000	245,656.60	256,512.55	10,855.95	1,949.26	2.400	8/28/2017	8/30/2022
3.15 CFBANK 9/18/23		28263	15721UCO0	245,000	250,632.55	266,898.10	16,265.55	274.87	3.150	9/18/2018	9/18/2023
3.30 C 9/7/23		7213	17312QSS4	245,000	252,053.55	267,909.95	15,856.40	2,569.48	3.300	9/7/2018	9/7/2023
1.75 CNBML 12/9/24		3814	17801GBV8	245,000	245,000.00	257,823.30	12,823.30	258.42	1.750	12/9/2019	12/9/2024
1.55 CONTUT 3/29/21		57571	211163JT8	245,000	245,000.00	247,579.85	2,579.85	1,602.23	1.550	1/29/2020	3/29/2021
1.65 NCBKPA 3/29/21		34444	23204HHX9	245,000	245,000.00	247,773.40	2,773.40	44.30	1.650	12/27/2019	3/29/2021
2.75 DISCOVER BANK 9/21/20		5649	254673TS5	245,000	246,685.60	246,487.15	(198.45)	1,919.73	2.750	9/19/2018	9/21/2020
2.55 CMS 1/18/22		57293	292781AK6	245,000	246,908.55	253,947.40	7,038.85	256.75	2.550	2/16/2018	1/18/2022
1.65 ESSA 7/29/21		28262	29667RSB0	245,000	245,000.00	248,924.90	3,924.90	1,705.60	1.650	1/29/2020	7/29/2021
1.70 FNLC 7/30/21		4256	32117BDW5	245,000	245,000.00	249,069.45	4,069.45	342.33	1.700	1/30/2020	7/30/2021
2.70 FRC 7/7/20		59017	33616CBR0	245,000	246,308.30	245,122.50	(1,185.80)	2,102.30	2.700	9/7/2018	7/7/2020
3.10 SRCE 10/21/22		9087	33646CKJ2	245,000	250,808.95	261,108.75	10,299.80	2,122.44	3.100	9/21/2018	10/21/2022
2.35 GS 8/30/22		33124	38148PNS2	245,000	245,281.75	256,247.95	10,966.20	1,908.65	2.350	8/28/2017	8/30/2022
2.30 KENNEB 08/24/20		17897	489265AZ1	245,000	245,333.20	245,823.20	490.00	2,006.99	2.300	2/22/2018	8/24/2020
1.85 LIVQAK 12/11/24		58665	538036HF4	245,000	245,000.00	258,901.30	13,901.30	372.53	1.850	12/11/2019	12/11/2024
1.65 MEDBNK 12/6/21		57449	58404DFV8	247,000	247,000.00	252,182.06	5,182.06	279.14	1.650	12/6/2019	12/6/2021
1.60 MONONA 10/21/20		33458	610092CU0	245,000	245,021.48	246,134.35	1,112.87	1,739.84	1.600	1/23/2020	10/21/2020
2.60 MS 2/15/22		32992	61747MK83	245,000	247,236.85	254,574.60	7,337.75	2,390.93	2.600	2/15/2018	2/15/2022
1.75 MS 12/6/21		34221	61760A3R8	247,000	247,000.00	252,564.91	5,564.91	307.90	1.750	12/5/2019	12/6/2021
2.05 NTLNYC 8/30/22		18734	634116CM7	245,000	243,040.00	254,633.40	11,593.40	13.76	2.050	10/30/2017	8/30/2022
3.40 NCBSVG 12/21/23		32612	635573AL2	247,234	253,219.75	270,499.60	17,279.85	228.22	3.220	1/2/2019	12/21/2023
2.15 NRTHFL 10/25/22		28710	66612ABX5	245,000	243,390.35	255,784.90	12,394.55	966.91	2.150	10/30/2017	8/30/2022
2.80 ORIENTAL BANK 9/14/20		31469	68621KCC3	245,000	246,805.65	246,389.15	(416.50)	2,086.19	2.800	9/12/2018	9/14/2020
1.70 RCKCAN 12/20/23		33542	77183VAD0	245,000	245,000.00	256,078.90	11,078.90	125.52	1.700	12/20/2019	12/20/2023
1.60 SAFR 1/4/21		26876	78658BF7	245,000	245,000.00	246,884.05	1,884.05	289.18	1.600	12/4/2019	1/4/2021
2.80 SALLMA 4/17/24		58177	7954502H7	245,000	246,771.35	266,863.80	20,092.45	1,409.59	2.590	5/7/2019	4/17/2024
1.65 SOME 4/30/21		11112	835104BX7	245,000	245,000.00	248,072.30	3,072.30	1,694.53	1.650	1/30/2020	4/30/2021
2.75 SBIN 02/16/23		33682	856285HZ7	245,000	247,572.50	260,817.20	13,244.70	2,510.41	2.750	2/16/2018	2/16/2023
1.60 10/27/20		1833	856309BR9	245,000	245,000.00	246,176.00	1,176.00	42.96	1.600	1/27/2020	10/27/2020
1.65 SNV 12/9/21		873	87164DPS3	245,000	245,000.00	250,196.45	5,196.45	243.66	1.650	12/9/2019	12/9/2021
2.35 SYF 10/20/22		27314	87164WTC2	245,000	244,980.40	256,858.00	11,877.60	1,132.62	2.350	10/20/2017	10/22/2022
2.15 EVER 10/28/22		34775	87270LAV5	245,000	243,360.95	255,870.65	12,509.70	894.75	2.150	10/30/2017	10/28/2022
2.05 THFDL 10/27/21		30012	88413QBT4	245,000	244,039.60	251,090.70	7,051.10	894.42	2.050	10/27/2017	10/27/2021
3.00 TOWN 9/27/21		35095	89214PCA5	245,000	249,184.60	253,621.55	4,436.95	1,953.29	3.000	9/26/2018	9/27/2021
2.80 UBS 9/14/20		57565	90348JD00	245,000	246,810.55	246,352.40	(458.15)	319.51	2.800	9/14/2018	9/14/2020
3.25 VYSTAR CREDIT UNION 12/11/20		68490	92891CCB6	245,000	248,719.10	248,444.70	(274.40)	21.82	3.250	12/11/2018	12/11/2020
1.60 ZION 11/25/20		2270	98970LA45	247,087	247,086.62	248,496.82	1,410.20	2,344.16	1.600	12/5/2019	11/25/2020
TOTAL FDIC Insured CD's				12,269,400.84	12,326,129.76	12,686,498.52	360,368.76	53,177.50		2.236	
WELLS MONEY MKT AML POOL - City ACCT	Agreed to Amlip			4,736,517.00	4,736,517.00	4,736,517.00		200.35		0.060	
				2,571,417.97	2,571,417.97	2,571,417.97		353.40		0.190	
	Agreed to GL			21,133,013.52	21,147,534.73	21,507,963.49	360,428.76	67,047.91			
WF Cash	Agreed to WF			2,297,205.25	2,297,205.25	2,297,205.25		-		0.010	
TOTAL				23,430,218.77	23,444,739.98	23,805,168.74	360,428.76	67,047.91			
TOTAL CURRENT YIELD		MONTHS				374,949.97				1.3801%	
	Max/Min	Return	Actual	Difference							
Maturity over 2 years 30% Maximum	7,141,550.62	2.4919%	4,955,211	2,186,339.87	OK					6000000	
Liquidity 20% Minimum	4,761,033.75	0.8819%	15,816,349	(11,055,315.01)	OK						
Maturity 1 - 2 years		2.1616%	3,033,609								
		1.3801%	23,805,169								

	Fair Market Value					Current or Average Yield	Current Portfolio Weight	Target Weight	Portfolio Maximum
	30-Jun-19	30-Sep-19	31-Dec-19	31-Mar-20	30-Jun-20				
<b>Fixed Income</b>									
Cash & Cash Equivalents	1,431,086	1,560,919	1,687,069	1,643,681	1,686,563	0.06%	5.70%		
Total Cash & Cash Equivalents	1,431,086	1,560,919	1,687,069	1,643,681	1,686,563				
Government & Corporate Securities									
Government Securities	9,265,968	9,099,594	9,439,519	9,104,954	8,908,043	0.85%	30.12%		
Corporate Securities	1,984,868	2,007,674	2,026,809	2,644,059	2,951,572	1.78%	9.98%		
Total Government & Corporate Securities	11,250,836	11,107,268	11,466,328	11,749,013	11,859,615	1.24%	40.10%		
Total Fixed Income	12,681,922	12,668,187	13,153,397	13,392,694	13,546,178	1.20%	45.80%	45.00%	65.00%
<b>Equities</b>									
Domestic Equities									
Large-Cap Index	5,619,537	5,704,808	6,005,088	5,188,021	6,216,950		21.02%	20.00%	25.00%
Small-Cap Index	1,385,556	1,445,878	1,557,514	1,179,713	1,428,285		4.83%	5.00%	10.00%
Mid-Cap Index	2,818,713	2,885,890	2,986,448	2,412,532	2,937,586		9.93%	10.00%	15.00%
Total Domestic Equities	9,823,806	10,036,576	10,549,050	8,780,266	10,582,821		35.78%	35.00%	50.00%
International Equities									
Europe Pacific ETF	2,800,691	2,908,363	2,963,145	2,514,175	2,820,829		9.54%	10.00%	15.00%
Vanguard Emerging Market ETF	1,432,090	1,432,364	1,570,867	1,182,533	1,385,874		4.69%	5.00%	10.00%
Total International Equities	4,232,781	4,340,727	4,534,012	3,696,708	4,206,703		14.23%	15.00%	25.00%
Real Estate									
Vanguard REIT ETF	546,130	585,455	576,946	456,116	372,699		1.26%	2.00%	7.00%
Total Real Estate	546,130	585,455	576,946	456,116	372,699		1.26%	2.00%	7.00%
<b>Infrastructure</b>									
Flexshares Stoxx Global Broad Infrastructure	847,875	860,178	895,755	739,971	866,614		2.93%	3.00%	8.00%
Total Infrastructure	847,875	860,178	895,755	739,971	866,614		2.93%	3.00%	8.00%
Total Equities	15,450,592	15,822,936	16,555,763	13,673,061	16,028,837				
Total Portfolio	28,132,514	28,491,123	29,709,160	27,065,755	29,575,015	-2.34%	100.00%	100.00%	155.00%
Total ALSPF Balance	24,731,368	25,046,623	26,117,403	23,018,774	25,230,638				
Total GLSPF Balance	3,248,893	3,290,307	3,430,972	3,023,913	3,210,886				
Total Kenai Community Foundation	152,252	154,193	160,785	141,709	157,004				
Total Kenai Senior Connection	-	-	-	881,359	976,487				









# CITY OF KENAI PERMANENT FUNDS

Account Statement - Period Ending June 30, 2020

## ACCOUNT ACTIVITY

Portfolio Value on 05-31-20	30,180,062
Contributions	0
Withdrawals	-1,065,857
Change in Market Value	332,516
Interest	26,480
Dividends	101,814
Portfolio Value on 06-30-20	29,575,015

## MANAGEMENT TEAM

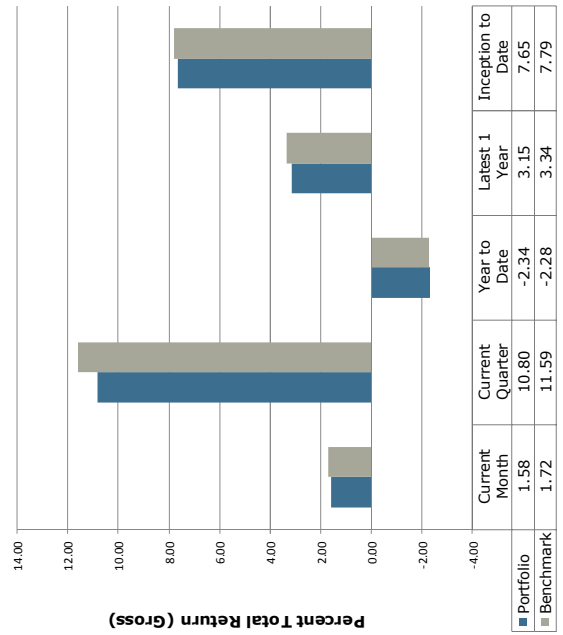
Client Relationship Manager: Amber Frizzell, AIF®  
Amber@apcm.net

Your Portfolio Manager: Bill Lierman, CFA®

Contact Phone Number: 907/272 -7575

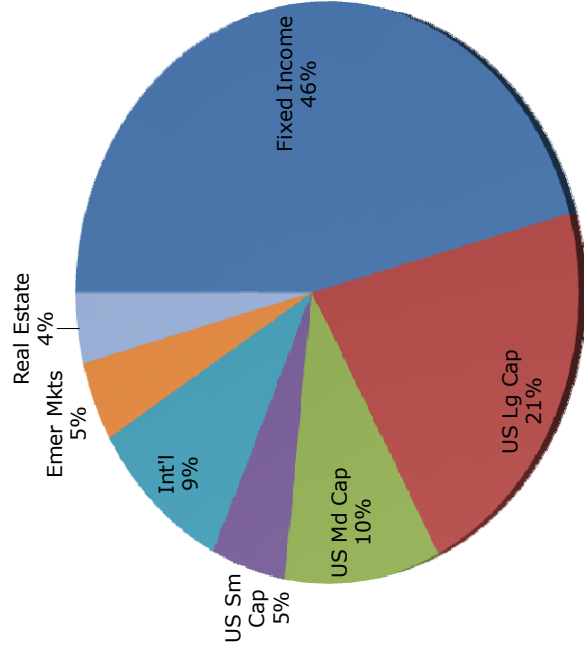
## INVESTMENT PERFORMANCE

Current Account Benchmark:  
Equity Blend



Performance is Annualized for Periods Greater than One Year

## PORTFOLIO COMPOSITION



Alaska Permanent Capital Management Co.  
**PORTFOLIO SUMMARY AND TARGET**  
***CITY OF KENAI PERMANENT FUNDS***  
*June 30, 2020*

Asset Class & Target	Market Value	% Assets	Range
<b>FIXED INCOME (45%)</b>			
US Fixed Income (40.0%)	11,860,418	40.1	35% to 65%
Cash (5.0%)	1,711,897	5.8	0% to 10%
<b>Subtotal:</b>	<b>13,572,314</b>	<b>45.9</b>	
<b>EQUITY (50%)</b>			
US Large Cap (20.0%)	6,190,813	20.9	15% to 25%
US Mid Cap (10.0%)	2,937,586	9.9	5% to 15%
US Small Cap (5.0%)	1,428,285	4.8	0% to 10%
Developed International Equity (10.0%)	2,820,829	9.5	5% to 15%
Emerging Markets (5.0%)	1,385,874	4.7	0% to 10%
<b>Subtotal:</b>	<b>14,763,388</b>	<b>49.9</b>	
<b>ALTERNATIVE INVESTMENTS (5%)</b>			
Real Estate (2.0%)	372,699	1.3	0% to 5%
Infrastructure (3.0%)	866,614	2.9	0% to 6%
<b>Subtotal:</b>	<b>1,239,313</b>	<b>4.2</b>	
<b>TOTAL PORTFOLIO</b>	<b>29,575,015</b>	<b>100</b>	

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**CITY OF KENAI PERMANENT FUNDS**

June 30, 2020

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
<b>FNMA &amp; FHLMC</b>									
14,010	FHLMC POOL G14203 4.000% Due 04-01-26	104.56	14,650	106.01	14,853	0.05	560	47	0.57
121,405	FG POOL C91270 4.500% Due 10-01-29	105.67	128,291	108.76	132,036	0.45	5,463	455	0.78
114,882	FG POOL J30401 3.000% Due 01-01-30	101.30	116,372	107.01	122,939	0.42	3,446	287	0.83
122,001	FG POOL G16255 2.500% Due 07-01-32	99.70	121,639	106.33	129,727	0.44	3,050	254	0.87
119,900	FNCL POOL 995373 4.500% Due 02-01-39	106.72	127,956	111.09	133,199	0.45	5,396	450	1.86
340,149	FN POOL AJ1405 4.000% Due 09-01-41	104.48	355,402	109.80	373,476	1.26	13,606	1,134	1.83
159,132	FN POOL AT2324 3.000% Due 01-01-43	100.20	159,456	108.56	172,756	0.58	4,774	80	1.42
224,033	FG POOL V80057 3.000% Due 05-01-43	100.23	224,558	109.10	244,418	0.83	6,721	560	1.37
142,920	FN POOL AL3180 3.000% Due 05-01-43	100.20	143,211	108.56	155,157	0.52	4,288	357	1.36
247,963	FG POOL G08722 3.500% Due 09-01-46	102.09	253,135	106.81	264,859	0.90	8,679	723	1.31
88,920	FN AS8483 3.000% Due 12-01-46	102.95	91,546	105.82	94,099	0.32	2,668	222	1.35
97,740	FN POOL BD2453 3.000% Due 01-01-47	99.89	97,633	108.09	105,644	0.36	2,932	244	1.50
468,537	FN POOL AS8810 3.500% Due 02-01-47	102.04	478,091	106.05	496,870	1.68	16,399	1,367	1.15
160,718	FN POOL MA2930 4.000% Due 03-01-47	103.56	166,443	106.73	171,535	0.58	6,429	536	1.42
121,318	FG G61893 3.000% Due 07-01-47	101.14	122,702	105.86	128,432	0.43	3,640	303	1.36
83,468	FN MA3276 3.500% Due 02-01-48	105.75	88,268	105.50	88,058	0.30	2,921	243	1.15
154,080	FN MA3305 3.500% Due 03-01-48	103.02	158,726	105.54	162,613	0.55	5,393	449	1.27
53,926	FN POOL MA3638 4.000% Due 04-01-49	103.09	55,594	105.97	57,143	0.19	2,157	180	1.23
92,985	FR RA1343 3.000% Due 09-01-49	104.69	97,343	105.94	98,511	0.33	2,790	232	1.38
88,140	FN MA3834 3.000% Due 11-01-49	101.90	89,813	105.39	92,892	0.31	2,644	220	0.93
92,099	FN MA3871 3.000% Due 12-01-49	101.91	93,855	105.39	97,065	0.33	2,763	230	0.95
93,608	FR QA5517 3.000% Due 12-01-49	102.31	95,772	105.39	98,655	0.33	2,808	234	1.10

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**CITY OF KENAI PERMANENT FUNDS**  
*June 30, 2020*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
97,191	FN MA3960 3.000% Due 03-01-50 Accrued Interest	102.31	99,439	105.39	102,432	0.35	2,916	243	0.72
			3,379,895		9,052	11.99		9,052	
<b>CORPORATE BONDS</b>									
100,000	ABBVIE INC 2.900% Due 11-06-22	101.31	101,307	104.91	104,908	0.35	2,900	443	0.79
100,000	GOLDMAN SACHS GROUP INC 3.625% Due 01-22-23	101.98	101,985	107.17	107,175	0.36	3,625	1,601	0.79
75,000	STARBUCKS CORP 3.100% Due 03-01-23	98.54	73,902	106.43	79,821	0.27	2,325	775	0.67
100,000	AVALONBAY COMMUNITIES 2.850% Due 03-15-23	100.82	100,816	104.03	104,030	0.35	2,850	839	1.33
100,000	AFLAC INC 3.625% Due 06-15-23	104.97	104,975	109.36	109,357	0.37	3,625	161	0.44
200,000	BANK OF NEW YORK MELLON 2.200% Due 08-16-23	97.83	195,666	104.53	209,060	0.71	4,400	1,650	0.73
200,000	JPMORGAN CHASE & CO 3.875% Due 02-01-24	105.18	210,362	110.87	221,744	0.75	7,750	3,229	0.79
100,000	MORGAN STANLEY IND FINANCIAL SRV 3.875% Due 04-29-24	103.71	103,711	110.58	110,578	0.37	3,875	667	1.05
100,000	WELLS FARGO & COMPANY 3.300% Due 09-09-24	99.88	99,882	109.55	109,555	0.37	3,300	1,027	0.97
150,000	KIMCO REALTY CORP 3.300% Due 02-01-25	94.92	142,377	104.94	157,416	0.53	4,950	2,062	2.16
150,000	REYNOLDS AMERICAN INC 4.450% Due 06-12-25	108.47	162,700	112.67	169,011	0.57	6,675	352	1.76
150,000	CITIGROUP INC 3.700% Due 01-12-26	101.65	152,470	111.68	167,521	0.57	5,550	2,605	1.49
100,000	KROGER CO 2.650% Due 10-15-26	99.82	99,820	108.68	108,682	0.37	2,650	559	1.21
100,000	GENERAL DYNAMICS CORP 3.500% Due 04-01-27	106.12	106,120	114.33	114,333	0.39	3,500	933	1.28
100,000	ENBRIDGE INC 3.700% Due 07-15-27	101.13	101,135	110.34	110,339	0.37	3,700	1,706	2.11
100,000	ANHEUSER-BUSCH INBEV WORLDWIDE 4.000% Due 04-13-28	114.31	114,309	115.41	115,411	0.39	4,000	867	1.86
100,000	INTEL CORP 2.450% Due 11-15-29	105.62	105,622	108.09	108,095	0.37	2,450	313	1.52
100,000	AT&T INC 6.375% Due 03-01-41	119.32	119,320	141.68	141,682	0.48	6,375	2,125	3.52
100,000	HOME DEPOT INC 4.875% Due 02-15-44	115.63	115,627	136.12	136,122	0.46	4,875	1,842	2.78
100,000	CARDINAL HEALTH 4.900% Due 09-15-45	111.47	111,470	115.28	115,285	0.39	4,900	1,443	3.94

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**CITY OF KENAI PERMANENT FUNDS**

June 30, 2020

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
100,000	BANK OF AMERICA CORP 4.443% Due 01-20-48	106.31	106,308	129.56	129,556	0.44	4,443	1,987	2.88
100,000	Sysco Corporation 4.450% Due 03-15-48	120.54	120,536	111.33	111,335	0.38	4,450	1,310	3.79
75,000	NUTRIEN LTD 3.950% Due 05-13-50	99.74	74,803	110.38	82,783	0.28	2,962	395	3.39
	Accrued Interest		2,725,224		28,893	0.10		28,893	
					2,952,692	9.98			
<b>DOMESTIC LARGE CAP EQUITY FUNDS/ETF</b>									
3,435	FLEXSHARES QUAL DIV ETF	40.53	139,217	42.25	145,129	0.49	NA		
1,530	ISHARES EDGE MSCI USA QUALITY FACTOR ETF	100.59	153,904	95.92	146,758	0.50	NA		
19,130	SPDR S&P 500 ETF	191.48	3,662,953	308.36	5,898,927	19.95	NA		
			3,956,074		6,190,813	20.93			
<b>DOMESTIC MID CAP EQUITY FUNDS/ETF</b>									
16,520	ISHARES CORE S&P MIDCAP 400 ETF	94.45	1,560,293	177.82	2,937,586	9.93	NA		
<b>DOMESTIC SMALL CAP EQUITY FUNDS/ETF</b>									
20,915	ISHARES S&P SMALLCAP 600 INDEX ETF	40.76	852,599	68.29	1,428,285	4.83	NA		
<b>INTERNATIONAL EQUITY FUNDS/ETF</b>									
19,740	ISHARES ETF CORE MSCI EAFE	55.58	1,097,089	57.16	1,128,338	3.82	NA		
27,805	ISHARES MSCI EAFE INDEX FUND	63.36	1,761,790	60.87	1,692,490	5.72	NA		
			2,858,879		2,820,829	9.54			
<b>EMERGING MARKET FUNDS/ETF</b>									
29,115	ISHARES ETF CORE MSCI EMERGING MKTS	42.40	1,234,364	47.60	1,385,874	4.69	NA		
<b>REAL ESTATE &amp; INFRASTRUCTURE</b>									
18,130	FLEXSHAR SIX GLOBAL BROAD INF ETF	49.27	893,352	47.80	866,614	2.93	NA		
5,225	JPMORGAN BETABUILDERS MSCI US REIT ETF	77.47	404,781	71.33	372,699	1.26	NA		
			1,298,133		1,239,313	4.19			
<b>U.S. TREASURY</b>									
235,000	US TREASURY NOTES 2.125% Due 06-30-21	99.34	233,439	101.93	239,545	0.81	4,994	14	0.19
240,000	US TREASURY NOTES 1.125% Due 07-31-21	99.18	238,021	101.03	242,474	0.82	2,700	1,127	0.17
10,000	US TREASURY NOTES 2.000% Due 08-31-21	100.66	10,066	102.12	10,212	0.03	200	67	0.18
50,000	US TREASURY NOTES 1.500% Due 09-30-21	99.80	49,898	101.65	50,824	0.17	750	189	0.18

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL**  
**CITY OF KENAI PERMANENT FUNDS**  
*June 30, 2020*

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
40,000	US TREASURY NOTES 2.000% Due 12-31-21	101.31	40,524	102.73	41,091	0.14	800	2	0.18
150,000	US TREASURY NOTES 1.875% Due 01-31-22	100.09	150,129	102.68	154,014	0.52	2,812	1,174	0.18
515,000	US TREASURY NOTES 2.125% Due 06-30-22	99.70	513,478	103.91	535,116	1.81	10,944	30	0.17
280,000	US TREASURY NOTES 2.625% Due 02-28-23	99.72	279,213	106.51	298,234	1.01	7,350	2,457	0.18
150,000	US TREASURY NOTES 1.625% Due 10-31-23	99.41	149,109	104.77	157,155	0.53	2,437	411	0.19
425,000	US TREASURY NOTES 2.375% Due 08-15-24	101.53	431,507	108.80	462,387	1.56	10,094	3,799	0.23
205,000	US TREASURY NOTES 1.375% Due 01-31-25	104.70	214,633	105.07	215,385	0.73	2,819	1,177	0.26
75,000	US TREASURY NOTES 2.750% Due 06-30-25	99.71	74,780	112.16	84,123	0.28	2,062	6	0.30
210,000	US TREASURY NOTES 2.500% Due 02-28-26	99.75	209,482	111.96	235,110	0.79	5,250	1,755	0.37
75,000	US TREASURY NOTES 1.625% Due 05-15-26	95.63	71,726	107.17	80,376	0.27	1,219	156	0.39
250,000	US TREASURY NOTES 2.000% Due 11-15-26	95.26	238,145	109.80	274,512	0.93	5,000	639	0.44
300,000	US TREASURY NOTES 3.125% Due 11-15-28	102.38	307,141	120.90	362,706	1.23	9,375	1,197	0.57
240,000	US TREASURY NOTES 2.625% Due 02-15-29	101.74	244,179	117.18	281,232	0.95	6,300	2,371	0.58
225,000	US TREASURY NOTES 1.500% Due 02-15-30	108.51	244,143	108.10	243,229	0.82	3,375	1,270	0.63
325,000	US TREASURY NOTES 3.875% Due 08-15-40	127.11	413,113	149.02	484,325	1.64	12,594	4,740	1.14
55,000	US TREASURY NOTES 3.125% Due 02-15-43	117.36	64,546	135.59	74,572	0.25	1,719	647	1.30
500,000	US TREASURY NOTES 2.875% Due 05-15-49	102.98	514,907	135.29	676,445	2.29	14,375	1,836	1.39
	Accrued Interest		4,692,179		25,062	0.08		25,062	
					5,228,130	17.68			
<b>AGENCIES</b>									
125,000	FHLB 1.625% Due 03-12-27	104.27	130,335	105.88	132,356	0.45	2,031	818	0.72
	Accrued Interest				818	0.00			
			130,335		133,174	0.45		818	
<b>CASH AND EQUIVALENTS</b>									
	DIVIDEND ACCRUAL		26,136		26,136	0.09			

Alaska Permanent Capital Management Co.  
 PORTFOLIO APPRAISAL  
 CITY OF KENAI PERMANENT FUNDS

June 30, 2020

Quantity	Security	Average Cost	Total Average Cost	Price	Market Value	Pct. Assets	Annual Income	Accrued Interest	Yield to Maturity
	WF ADV GOVT MM FD-INSTL #1751	1,685,760	1,685,760		1,685,760	5.70			
		1,711,897	1,711,897		1,711,897	5.79			
<b>TOTAL PORTFOLIO</b>		<b>24,399,872</b>	<b>24,399,872</b>		<b>29,575,015</b>	<b>100</b>	<b>317,772</b>	<b>63,825</b>	



Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>PURCHASES</b>				
		DOMESTIC SMALL CAP EQUITY FUNDS/ETF		
06-01-20	06-03-20	ISHARES S&P SMALLCAP 600 INDEX ETF	705.0000	47,544.28
				<b>47,544.28</b>
<b>DEPOSITS AND EXPENSES</b>				
		MANAGEMENT FEES		
06-30-20	06-30-20	MANAGEMENT FEES		4,131.25
				<b>4,131.25</b>
<b>DIVIDEND</b>				
		DOMESTIC LARGE CAP EQUITY FUNDS/ETF		
06-19-20	06-19-20	ISHARES EDGE MSCI USA QUALITY FACTOR ETF		543.73
06-19-20	07-31-20	SPDR S&P 500 ETF		26,136.21
06-25-20	06-25-20	FLEXSHARES QUAL DIV ETF		1,134.94
				<u>27,814.88</u>
		DOMESTIC MID CAP EQUITY FUNDS/ETF		
06-19-20	06-19-20	ISHARES CORE S&P MIDCAP 400 ETF		10,726.87
		DOMESTIC SMALL CAP EQUITY FUNDS/ETF		
06-19-20	06-19-20	ISHARES S&P SMALLCAP 600 INDEX ETF		4,912.03
		EMERGING MARKET FUNDS/ETF		
06-19-20	06-19-20	ISHARES ETF CORE MSCI EMERGING MKTS		12,704.65
		INTERNATIONAL EQUITY FUNDS/ETF		
06-19-20	06-19-20	ISHARES MSCI EAFE INDEX FUND		23,849.38

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
06-19-20	06-19-20	ISHARES ETF CORE MSCI EAFE	13,816.32	37,665.70
REAL ESTATE & INFRASTRUCTURE				
06-25-20	06-25-20	FLEXSHAR STX GLOBAL BROAD INF ETF	4,700.18	3,289.45
06-26-20	06-26-20	JPMORGAN BETABUILDERS MSCI US REIT ETF	7,989.63	<b>101,813.76</b>
<b>INTEREST</b>				
CASH AND EQUIVALENTS				
06-01-20	06-01-20	WF ADV GOVT MM FD-INSTL #1751	107.38	
CORPORATE BONDS				
06-12-20	06-12-20	REYNOLDS AMERICAN INC	3,337.50	
06-15-20	06-15-20	4.450% Due 06-12-25 AFLAC INC	1,812.50	
		3.625% Due 06-15-23	5,150.00	
FNMA & FHLMC				
06-15-20	06-15-20	FHLMC POOL G14203 4.000% Due 04-01-26	48.51	
06-15-20	06-15-20	FG POOL G16255 2.500% Due 07-01-32	257.93	
06-15-20	06-15-20	FG POOL G08722 3.500% Due 09-01-46	749.01	
06-15-20	06-15-20	FG POOL C91270 4.500% Due 10-01-29	463.77	

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
06-15-20	06-15-20	FG POOL J30401		299.81
		3.000% Due 01-01-30		
06-15-20	06-15-20	FG POOL V80057		565.16
		3.000% Due 05-01-43		
06-15-20	06-15-20	FG G61893		311.09
		3.000% Due 07-01-47		
06-25-20	06-25-20	FR QA5517		241.90
		3.000% Due 12-01-49		
06-25-20	06-25-20	FR RA1343		236.52
		3.000% Due 09-01-49		
06-25-20	06-25-20	FN POOL AJ1405		1,161.54
		4.000% Due 09-01-41		
06-25-20	06-25-20	FN POOL AT2324		406.08
		3.000% Due 01-01-43		
06-25-20	06-25-20	FN AS8483		228.09
		3.000% Due 12-01-46		
06-25-20	06-25-20	FN POOL AS8810		1,429.38
		3.500% Due 02-01-47		
06-25-20	06-25-20	FN POOL AL3180		362.73
		3.000% Due 05-01-43		
06-25-20	06-25-20	FN POOL BD2453		248.73
		3.000% Due 01-01-47		
06-25-20	06-25-20	FNCL POOL 995373		456.89
		4.500% Due 02-01-39		
06-25-20	06-25-20	FN POOL MA2930		562.26
		4.000% Due 03-01-47		
06-25-20	06-25-20	FN MA3305		471.54
		3.500% Due 03-01-48		
06-25-20	06-25-20	FN MA3276		255.79
		3.500% Due 02-01-48		
06-25-20	06-25-20	FN POOL MA3638		195.89
		4.000% Due 04-01-49		
06-25-20	06-25-20	FN MA3834		229.55
		3.000% Due 11-01-49		
06-25-20	06-25-20	FN MA3871		237.37
		3.000% Due 12-01-49		

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
06-25-20	06-25-20	FN MA3960		245.68
		3.000% Due 03-01-50		9,665.22
<b>U.S. TREASURY</b>				
06-30-20	06-30-20	US TREASURY NOTES		400.00
		2.000% Due 12-31-21		
06-30-20	06-30-20	US TREASURY NOTES		2,496.88
		2.125% Due 06-30-21		
06-30-20	06-30-20	US TREASURY NOTES		5,471.88
		2.125% Due 06-30-22		
06-30-20	06-30-20	US TREASURY NOTES		1,031.25
		2.750% Due 06-30-25		
				9,400.01
				<b>24,322.61</b>

**PRINCIPAL PAYDOWNS**

<b>FNMA &amp; FHLMC</b>				
06-15-20	06-15-20	FHLMC POOL G14203	542.45	542.45
		4.000% Due 04-01-26		
06-15-20	06-15-20	FG POOL G16255	1,804.98	1,804.98
		2.500% Due 07-01-32		
06-15-20	06-15-20	FG POOL G08722	8,842.22	8,842.22
		3.500% Due 09-01-46		
06-15-20	06-15-20	FG POOL C91270	2,268.26	2,268.26
		4.500% Due 10-01-29		
06-15-20	06-15-20	FG POOL J30401	5,042.93	5,042.93
		3.000% Due 01-01-30		
06-15-20	06-15-20	FG POOL V80057	2,032.59	2,032.59
		3.000% Due 05-01-43		
06-15-20	06-15-20	FG G61893	3,119.90	3,119.90
		3.000% Due 07-01-47		
06-25-20	06-25-20	FR QA5517	3,153.23	3,153.23
		3.000% Due 12-01-49		
06-25-20	06-25-20	FR RA1343	1,621.72	1,621.72
		3.000% Due 09-01-49		

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
06-25-20	06-25-20	FN POOL AJ1405	8,313.09	8,313.09
		4.000% Due 09-01-41		
06-25-20	06-25-20	FN POOL AT2324	3,297.76	3,297.76
		3.000% Due 01-01-43		
06-25-20	06-25-20	FN AS8483	2,317.27	2,317.27
		3.000% Due 12-01-46		
06-25-20	06-25-20	FN POOL AS8810	21,537.17	21,537.17
		3.500% Due 02-01-47		
06-25-20	06-25-20	FN POOL AL3180	2,170.08	2,170.08
		3.000% Due 05-01-43		
06-25-20	06-25-20	FN POOL BD2453	1,750.39	1,750.39
		3.000% Due 01-01-47		
06-25-20	06-25-20	FNCL POOL 995373	1,935.92	1,935.92
		4.500% Due 02-01-39		
06-25-20	06-25-20	FN POOL MA2930	7,961.05	7,961.05
		4.000% Due 03-01-47		
06-25-20	06-25-20	FN MA3305	7,591.58	7,591.58
		3.500% Due 03-01-48		
06-25-20	06-25-20	FN MA3276	4,232.27	4,232.27
		3.500% Due 02-01-48		
06-25-20	06-25-20	FN POOL MA3638	4,840.19	4,840.19
		4.000% Due 04-01-49		
06-25-20	06-25-20	FN MA3834	3,681.57	3,681.57
		3.000% Due 11-01-49		
06-25-20	06-25-20	FN MA3871	2,848.73	2,848.73
		3.000% Due 12-01-49		
06-25-20	06-25-20	FN MA3960	1,082.67	1,082.67
		3.000% Due 03-01-50		
			<hr/>	<hr/>
			101,988.02	101,988.02
			<b>101,988.02</b>	

**SALES, MATURITIES, AND CALLS**  
DOMESTIC LARGE CAP EQUITY FUNDS/ETF  
06-01-20 06-03-20 FLEXSHARES QUAL DIV  
ETF 210.0000 8,857.60

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
06-01-20	06-03-20	ISHARES EDGE MSCI USA	90.0000	8,682.10
		QUALITY FACTOR ETF		
06-01-20	06-03-20	SPDR S&P 500 ETF	1,150.0000	351,811.72
				369,351.42
DOMESTIC MID CAP EQUITY FUNDS/ETF				
06-01-20	06-03-20	ISHARES CORE S&P MIDCAP 400 ETF	1,555.0000	278,358.59
EMERGING MARKET FUNDS/ETF				
06-01-20	06-03-20	ISHARES ETF CORE MSCI EMERGING MKTS	1,165.0000	53,553.86
INTERNATIONAL EQUITY FUNDS/ETF				
06-01-20	06-03-20	ISHARES ETF CORE MSCI EAFE	310.0000	17,688.20
06-01-20	06-03-20	ISHARES MSCI EAFE INDEX FUND	295.0000	17,912.11
				35,600.31
REAL ESTATE & INFRASTRUCTURE				
06-01-20	06-03-20	FLEXSHAR STX GLOBAL BROAD INF ETF	905.0000	44,046.46
06-01-20	06-03-20	JPMORGAN BETABUILDERS MSCI US REIT ETF	125.0000	8,969.80
				53,016.26
U.S. TREASURY				
06-02-20	06-03-20	US TREASURY NOTES 2.000% Due 08-31-21	190,000	194,282.42
06-02-20	06-03-20	US TREASURY NOTES 2.875% Due 05-15-49	25,000	33,362.30
				227,644.72
				<b>1,017,525.16</b>

Alaska Permanent Capital Management Co.  
**TRANSACTION SUMMARY**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Security	Quantity	Trade Amount
<b>SOLD ACCRUED INTEREST</b>				
U.S. TREASURY				
06-02-20	06-03-20	US TREASURY NOTES 2.000% Due 08-31-21		980.98
06-02-20	06-03-20	US TREASURY NOTES 2.875% Due 05-15-49		37.11
				1,018.09
				<b>1,018.09</b>
<b>WITHDRAW</b>				
CASH AND EQUIVALENTS				
06-02-20	06-02-20	WF ADV GOVT MM FD-INSTL #1751		1,065,490.00
06-22-20	06-22-20	WF ADV GOVT MM FD-INSTL #1751		366.73
				1,065,856.73
				<b>1,065,856.73</b>

Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
**CITY OF KENAI PERMANENT FUNDS**

From 06-01-20 Through 06-30-20

Date	Quantity	Security	Avg. Cost		Gain Or Loss
			Basis	Proceeds	
06-01-20	1,555.0000	ISHARES CORE S&P MIDCAP 400 ETF	146,867.76	278,358.59	131,490.83
06-01-20	210.0000	FLEXSHARES QUAL DIV ETF	8,511.05	8,857.60	346.55
06-01-20	90.0000	ISHARES EDGE MSCI USA QUALITY FACTOR ETF	9,053.19	8,682.10	-371.09
06-01-20	905.0000	FLEXSHAR STX GLOBAL BROAD INF ETF	44,593.68	44,046.46	-547.22
06-01-20	125.0000	JPMORGAN BETABUILDERS MSCI US REIT ETF	9,683.75	8,969.80	-713.95
06-01-20	1,165.0000	ISHARES ETF CORE MSCI EMERGING MKTS	49,391.53	53,553.86	4,162.33
06-01-20	310.0000	ISHARES ETF CORE MSCI EAFE	17,228.85	17,688.20	459.35
06-01-20	295.0000	ISHARES MSCI EAFE INDEX FUND	18,691.89	17,912.11	-779.78
06-01-20	1,150.0000	SPDR S&P 500 ETF	220,198.46	351,811.72	131,613.26
06-02-20	190,000	US TREASURY NOTES 2.000% Due 08-31-21	191,246.87	194,282.42	3,035.54
06-02-20	25,000	US TREASURY NOTES 2.875% Due 05-15-49	25,745.36	33,362.30	7,616.94
06-15-20	542.45	FHLMC POOL G14203 4.000% Due 04-01-26	567.20	542.45	-24.75
06-15-20	1,804.98	FG POOL G16255 2.500% Due 07-01-32	1,799.62	1,804.98	5.36
06-15-20	8,842.22	FG POOL G08722 3.500% Due 09-01-46	9,026.66	8,842.22	-184.44
06-15-20	2,268.26	FG POOL C91270 4.500% Due 10-01-29	2,396.91	2,268.26	-128.65
06-15-20	5,042.93	FG POOL J30401 3.000% Due 01-01-30	5,108.33	5,042.93	-65.40
06-15-20	2,032.59	FG POOL V80057 3.000% Due 05-01-43	2,037.35	2,032.59	-4.76
06-15-20	3,119.90	FG G61893 3.000% Due 07-01-47	3,155.49	3,119.90	-35.59



Alaska Permanent Capital Management Co.  
**REALIZED GAINS AND LOSSES**  
**CITY OF KENAI PERMANENT FUNDS**

*From 06-01-20 Through 06-30-20*

<b>Date</b>	<b>Quantity</b>	<b>Security</b>	<b>Avg. Cost Basis</b>	<b>Proceeds</b>	<b>Gain Or Loss</b>
06-25-20	3,153.23	FR QA5517 3.000% Due 12-01-49	3,226.15	3,153.23	-72.92
06-25-20	1,621.72	FR RA1343 3.000% Due 09-01-49	1,697.74	1,621.72	-76.02
06-25-20	8,313.09	FN POOL AJ1405 4.000% Due 09-01-41	8,685.88	8,313.09	-372.79
06-25-20	3,297.76	FN POOL AT2324 3.000% Due 01-01-43	3,304.46	3,297.76	-6.70
06-25-20	2,317.27	FN AS8483 3.000% Due 12-01-46	2,385.70	2,317.27	-68.43
06-25-20	21,537.17	FN POOL AS8810 3.500% Due 02-01-47	21,976.33	21,537.17	-439.16
06-25-20	2,170.08	FN POOL AL3180 3.000% Due 05-01-43	2,174.49	2,170.08	-4.41
06-25-20	1,750.39	FN POOL BD2453 3.000% Due 01-01-47	1,748.48	1,750.39	1.91
06-25-20	1,935.92	FNCL POOL 995373 4.500% Due 02-01-39	2,065.99	1,935.92	-130.07
06-25-20	7,961.05	FN POOL MA2930 4.000% Due 03-01-47	8,244.66	7,961.05	-283.61
06-25-20	7,591.58	FN MA3305 3.500% Due 03-01-48	7,820.51	7,591.58	-228.93
06-25-20	4,232.27	FN MA3276 3.500% Due 02-01-48	4,475.63	4,232.27	-243.36
06-25-20	4,840.19	FN POOL MA3638 4.000% Due 04-01-49	4,989.93	4,840.19	-149.74
06-25-20	3,681.57	FN MA3834 3.000% Due 11-01-49	3,751.46	3,681.57	-69.89
06-25-20	2,848.73	FN MA3871 3.000% Due 12-01-49	2,903.03	2,848.73	-54.30
06-25-20	1,082.67	FN MA3960 3.000% Due 03-01-50	1,107.71	1,082.67	-25.04
<b>TOTAL GAINS</b>					278,732.08
<b>TOTAL LOSSES</b>					-5,081.01
					<b>273,651.06</b>

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
			<b>WF ADV GOVT MM FD-INSTL #1751</b>		
06-01-20			Beginning Balance		1,578,630.02
06-01-20	06-03-20	wd	Purchase	ISHARES S&P SMALLCAP 600 INDEX ETF	-47,544.28
06-01-20	06-03-20	dp	Sale	ISHARES CORE S&P MIDCAP 400 ETF	278,358.59
06-01-20	06-03-20	dp	Sale	FLEXSHARES QUAL DIV ETF	8,857.60
06-01-20	06-03-20	dp	Sale	ISHARES EDGE MSCI USA QUALITY FACTOR ETF	8,682.10
06-01-20	06-03-20	dp	Sale	FLEXSHAR STX GLOBAL BROAD INF ETF	44,046.46
06-01-20	06-03-20	dp	Sale	JPMORGAN BETABUILDERS MSCI US REIT ETF	8,969.80
06-01-20	06-03-20	dp	Sale	ISHARES ETF CORE MSCI EMERGING MKTS	53,553.86
06-01-20	06-03-20	dp	Sale	ISHARES ETF CORE MSCI EAFE	17,688.20
06-01-20	06-03-20	dp	Sale	ISHARES MSCI EAFE INDEX FUND	17,912.11
06-01-20	06-03-20	dp	Sale	SPDR S&P 500 ETF	351,811.72
06-01-20	06-01-20	dp	Interest	WF ADV GOVT MM FD-INSTL #1751	107.38
06-02-20	06-02-20	wd	Withdrawal	from Portfolio	-1,065,490.00
06-02-20	06-03-20	dp	Sale	US TREASURY NOTES 2.000% Due 08-31-21	194,282.42
06-02-20	06-03-20	dp	Accrued Interest	US TREASURY NOTES 2.000% Due 08-31-21	980.98
06-02-20	06-03-20	dp	Sale	US TREASURY NOTES 2.875% Due 05-15-49	33,362.30
06-02-20	06-03-20	dp	Accrued Interest	US TREASURY NOTES 2.875% Due 05-15-49	37.11

Alaska Permanent Capital Management Co.

**CASH LEDGER**

**CITY OF KENAI PERMANENT FUNDS**

*From 06-01-20 To 06-30-20*

<b>Trade Date</b>	<b>Settle Date</b>	<b>Tran Code</b>	<b>Activity</b>	<b>Security</b>	<b>Amount</b>
06-12-20	06-12-20	dp	Interest	REYNOLDS AMERICAN INC 4.450% Due 06-12-25	3,337.50
06-15-20	06-15-20	dp	Interest	AFLAC INC 3.625% Due 06-15-23	1,812.50
06-15-20	06-15-20	dp	Paydown	FHLMC POOL G14203 4.000% Due 04-01-26	542.45
06-15-20	06-15-20	dp	Interest	FHLMC POOL G14203 4.000% Due 04-01-26	48.51
06-15-20	06-15-20	dp	Interest	FG POOL G16255 2.500% Due 07-01-32	257.93
06-15-20	06-15-20	dp	Paydown	FG POOL G16255 2.500% Due 07-01-32	1,804.98
06-15-20	06-15-20	dp	Paydown	FG POOL G08722 3.500% Due 09-01-46	8,842.22
06-15-20	06-15-20	dp	Interest	FG POOL G08722 3.500% Due 09-01-46	749.01
06-15-20	06-15-20	dp	Interest	FG POOL C91270 4.500% Due 10-01-29	463.77
06-15-20	06-15-20	dp	Paydown	FG POOL C91270 4.500% Due 10-01-29	2,268.26
06-15-20	06-15-20	dp	Paydown	FG POOL J30401 3.000% Due 01-01-30	5,042.93
06-15-20	06-15-20	dp	Interest	FG POOL J30401 3.000% Due 01-01-30	299.81
06-15-20	06-15-20	dp	Interest	FG POOL V80057 3.000% Due 05-01-43	565.16
06-15-20	06-15-20	dp	Paydown	FG POOL V80057 3.000% Due 05-01-43	2,032.59
06-15-20	06-15-20	dp	Paydown	FG G61893 3.000% Due 07-01-47	3,119.90

Alaska Permanent Capital Management Co.

**CASH LEDGER**

**CITY OF KENAI PERMANENT FUNDS**

*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
06-15-20	06-15-20	dp	Interest	FG G61893	311.09
06-19-20	06-19-20	dp	Dividend	3.000% Due 07-01-47	
06-19-20	06-19-20	dp	Dividend	ISHARES MSCI EAFE INDEX FUND	23,849.38
06-19-20	06-19-20	dp	Dividend	ISHARES ETF CORE MSCI EAFE	13,816.32
06-19-20	06-19-20	dp	Dividend	ISHARES ETF CORE MSCI EMERGING MKTS	12,704.65
06-19-20	06-19-20	dp	Dividend	ISHARES CORE S&P MIDCAP 400 ETF	10,726.87
06-19-20	06-19-20	dp	Dividend	ISHARES S&P SMALLCAP 600 INDEX ETF	4,912.03
06-19-20	06-19-20	dp	Dividend	ISHARES EDGE MSCI USA QUALITY FACTOR ETF	543.73
06-22-20	06-22-20	wd	Withdrawal	from Portfolio	-366.73
06-25-20	06-25-20	dp	Dividend	FLEXSHAR STX GLOBAL BROAD INF ETF	4,700.18
06-25-20	06-25-20	dp	Dividend	FLEXSHARES QUAL DIV ETF	1,134.94
06-25-20	06-25-20	dp	Interest	FR QA5517	241.90
06-25-20	06-25-20	dp	Paydown	3.000% Due 12-01-49	3,153.23
06-25-20	06-25-20	dp	Interest	FR QA5517	236.52
06-25-20	06-25-20	dp	Paydown	3.000% Due 12-01-49	1,621.72
06-25-20	06-25-20	dp	Paydown	FR RA1343	8,313.09
06-25-20	06-25-20	dp	Interest	3.000% Due 09-01-49	1,161.54
06-25-20	06-25-20	dp	Paydown	FR RA1343	406.08
06-25-20	06-25-20	dp	Interest	3.000% Due 09-01-49	
06-25-20	06-25-20	dp	Paydown	FN POOL AJ1405	
06-25-20	06-25-20	dp	Interest	4.000% Due 09-01-41	
06-25-20	06-25-20	dp	Interest	FN POOL AJ1405	
06-25-20	06-25-20	dp	Interest	4.000% Due 09-01-41	
06-25-20	06-25-20	dp	Interest	FN POOL AT2324	
06-25-20	06-25-20	dp	Interest	3.000% Due 01-01-43	

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
06-25-20	06-25-20	dp	Paydown	FN POOL AT2324	3,297.76
06-25-20	06-25-20	dp	Paydown	3.000% Due 01-01-43	
06-25-20	06-25-20	dp	Paydown	FN AS8483	2,317.27
06-25-20	06-25-20	dp	Interest	3.000% Due 12-01-46	
06-25-20	06-25-20	dp	Interest	FN AS8483	228.09
06-25-20	06-25-20	dp	Interest	3.000% Due 12-01-46	
06-25-20	06-25-20	dp	Interest	FN POOL AS8810	1,429.38
06-25-20	06-25-20	dp	Paydown	3.500% Due 02-01-47	
06-25-20	06-25-20	dp	Paydown	FN POOL AS8810	21,537.17
06-25-20	06-25-20	dp	Paydown	3.500% Due 02-01-47	
06-25-20	06-25-20	dp	Paydown	FN POOL AL3180	2,170.08
06-25-20	06-25-20	dp	Interest	3.000% Due 05-01-43	
06-25-20	06-25-20	dp	Interest	FN POOL AL3180	362.73
06-25-20	06-25-20	dp	Interest	3.000% Due 05-01-43	
06-25-20	06-25-20	dp	Interest	FN POOL BD2453	248.73
06-25-20	06-25-20	dp	Paydown	3.000% Due 01-01-47	
06-25-20	06-25-20	dp	Paydown	FN POOL BD2453	1,750.39
06-25-20	06-25-20	dp	Paydown	3.000% Due 01-01-47	
06-25-20	06-25-20	dp	Paydown	FNCL POOL 995373	1,935.92
06-25-20	06-25-20	dp	Interest	4.500% Due 02-01-39	
06-25-20	06-25-20	dp	Interest	FNCL POOL 995373	456.89
06-25-20	06-25-20	dp	Interest	4.500% Due 02-01-39	
06-25-20	06-25-20	dp	Interest	FN POOL MA2930	562.26
06-25-20	06-25-20	dp	Paydown	4.000% Due 03-01-47	
06-25-20	06-25-20	dp	Paydown	FN POOL MA2930	7,961.05
06-25-20	06-25-20	dp	Paydown	4.000% Due 03-01-47	
06-25-20	06-25-20	dp	Paydown	FN MA3305	7,591.58
06-25-20	06-25-20	dp	Interest	3.500% Due 03-01-48	
06-25-20	06-25-20	dp	Interest	FN MA3305	471.54
06-25-20	06-25-20	dp	Interest	3.500% Due 03-01-48	

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
06-25-20	06-25-20	dp	Interest	FN MA3276	255.79
				3.500% Due 02-01-48	
06-25-20	06-25-20	dp	Paydown	FN MA3276	4,232.27
				3.500% Due 02-01-48	
06-25-20	06-25-20	dp	Paydown	FN POOL MA3638	4,840.19
				4.000% Due 04-01-49	
06-25-20	06-25-20	dp	Interest	FN POOL MA3638	195.89
				4.000% Due 04-01-49	
06-25-20	06-25-20	dp	Interest	FN MA3834	229.55
				3.000% Due 11-01-49	
06-25-20	06-25-20	dp	Paydown	FN MA3834	3,681.57
				3.000% Due 11-01-49	
06-25-20	06-25-20	dp	Paydown	FN MA3871	2,848.73
				3.000% Due 12-01-49	
06-25-20	06-25-20	dp	Interest	FN MA3871	237.37
				3.000% Due 12-01-49	
06-25-20	06-25-20	dp	Interest	FN MA3960	245.68
				3.000% Due 03-01-50	
06-25-20	06-25-20	dp	Paydown	FN MA3960	1,082.67
				3.000% Due 03-01-50	
06-26-20	06-26-20	dp	Dividend	JPMORGAN BETABUILDERS	3,289.45
				MSCI US REIT ETF	
06-30-20	06-30-20	dp	Interest	US TREASURY NOTES	400.00
				2.000% Due 12-31-21	
06-30-20	06-30-20	dp	Interest	US TREASURY NOTES	2,496.88
				2.125% Due 06-30-21	
06-30-20	06-30-20	dp	Interest	US TREASURY NOTES	5,471.88
				2.125% Due 06-30-22	

Alaska Permanent Capital Management Co.  
**CASH LEDGER**  
**CITY OF KENAI PERMANENT FUNDS**  
*From 06-01-20 To 06-30-20*

Trade Date	Settle Date	Tran Code	Activity	Security	Amount
06-30-20	06-30-20	dp	Interest	US TREASURY NOTES 2.750% Due 06-30-25	1,031.25
<b>06-30-20</b>			<b>Ending Balance</b>		<b>1,685,760.44</b>
<b>DIVIDEND ACCRUAL</b>					
06-01-20			Beginning Balance		0.00
06-19-20	07-31-20	dp	Dividend	SPDR S&P 500 ETF	26,136.21
<b>06-30-20</b>			<b>Ending Balance</b>		<b>26,136.21</b>

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL sort by CUSIP**  
**CITY OF KENAI PERMANENT FUNDS**

June 30, 2020

Cusip9	Original Face	Quantity	Security	Unit Cost	Total Cost	Price	Market Value	Accrued Interest	Annual Income
<b>FNMA &amp; FHLMC</b>									
3128MC3L7	256,397,000	14,010.5000	FHLMC POOL G14203	104.562501	14,649.73	106.01200	14,852.81	46.70	560.42
3128MFE46	190,000,000	122,001.3800	FG POOL G16255	99.703123	121,639.19	106.33200	129,726.51	254.17	3,050.03
3128MJYU8	477,000,000	247,962.6600	FG POOL G08722	102.085937	253,135.01	106.81400	264,858.84	723.22	8,678.69
3128P7MT7	2,000,000,000	121,404.9200	FG POOL C91270	105.671877	128,290.86	108.75700	132,036.35	455.27	5,463.22
31307LNS3	301,000,000	114,882.3500	FG POOL J30401	101.296875	116,372.23	107.01300	122,939.05	287.21	3,446.47
3132L5B28	450,000,000	224,033.1800	FG POOL V80057	100.234376	224,558.26	109.09900	244,417.96	560.08	6,721.00
3133CC69	150,000,000	121,317.9900	FG G61893	101.140626	122,701.77	105.86400	128,432.08	303.29	3,639.54
3133A0DW1	100,000,000	93,607.5100	FR QA5517	102.312497	95,772.18	105.39200	98,654.83	234.02	2,808.23
3133KGP44	100,000,000	92,984.8100	FR RA1343	104.687501	97,343.47	105.94300	98,510.90	232.46	2,789.54
3138ASK38	1,500,000,000	340,148.6200	FN POOL AJ1405	104.484375	355,402.16	109.79800	373,476.38	1,133.83	13,605.94
3138EKRA5	374,582,000	159,132.4900	FN POOL AT2324	100.203126	159,455.73	108.56100	172,755.82	79.57	4,773.97
3138WJM96	125,000,000	88,920.0100	FN AS8483	102.953126	91,545.93	105.82400	94,098.71	222.30	2,667.60
3138WJYG7	783,285,000	468,537.3900	FN POOL AS8810	102.039062	478,091.16	106.04700	496,869.85	1,366.57	16,398.81
3138WPSN5	335,507,000	142,920.2000	FN POOL AL3180	100.203125	143,210.51	108.56200	155,157.03	357.30	4,287.61
3140F9WP6	139,000,000	97,739.8600	FN POOL BD2453	99.890625	97,632.96	108.87000	105,644.08	244.35	2,932.20
31416BXA1	4,000,000,000	119,900.4800	FNCL POOL 995373	106.718781	127,956.33	111.09100	133,198.64	449.63	5,395.52
31418CHG2	148,000,000	160,717.5700	FN POOL MA2930	103.562500	166,443.13	106.73100	171,535.47	535.73	6,428.70
31418CU77	225,000,000	154,079.7000	FN MA3305	103.015627	158,726.17	105.53800	162,612.63	449.40	5,392.79
31418CUA0	125,000,000	83,468.0900	FN MA3276	105.750001	88,267.51	105.49900	88,058.00	243.45	2,921.38
31418DBG6	101,000,000	53,925.9100	FN POOL MA3638	103.093756	55,594.25	105.96600	57,143.13	179.75	2,157.04
31418DHL9	100,000,000	88,139.9300	FN MA3834	101.898438	89,813.21	105.39200	92,892.44	220.35	2,644.20
31418DJR4	100,000,000	92,099.4900	FN MA3871	101.906254	93,855.14	105.39200	97,065.49	230.25	2,762.98
31418DMJ8	100,000,000	97,191.0700	FN MA3960	102.312502	99,438.62	105.39200	102,431.61	242.98	2,915.73
Accrued I					3,379,895.49		3,546,420.47	9,051.87	112,441.62
<b>CORPORATE BONDS</b>									
001055AL6	100,000,000	100,000.0000	AFLAC INC	104.975000	104,975.00	109.35700	109,357.00	161.11	3,625.00
00206RDG4	100,000,000	100,000.0000	AT&T INC	119.320000	119,320.00	141.68200	141,682.00	2,125.00	6,375.00
00287YAL3	100,000,000	100,000.0000	ABBVIE INC	101.307000	101,307.00	104.90800	104,908.00	443.06	2,900.00
035240AL4	100,000,000	100,000.0000	ANHEUSER-BUSCH INBEV WORLDWIDE	114.309000	114,309.00	115.41100	115,411.00	866.67	4,000.00
05348EAR0	100,000,000	100,000.0000	AVALONBAY COMMUNITIES	100.816000	100,816.00	104.03000	104,030.00	839.17	2,850.00
06051GGG8	100,000,000	100,000.0000	BANK OF AMERICA CORP	106.308000	106,308.00	129.55600	129,556.00	1,987.01	4,443.00
06406FAD5	200,000,000	200,000.0000	BANK OF NEW YORK MELLON	97.833000	195,666.00	104.53000	209,060.00	1,650.00	4,400.00
14149YBD9	100,000,000	100,000.0000	CARDINAL HEALTH	111.470000	111,470.00	115.28500	115,285.00	1,442.78	4,900.00
172967KG5	150,000,000	150,000.0000	CITIGROUP INC	101.647000	152,470.50	111.68100	167,521.50	2,605.42	5,550.00
29250NAR6	100,000,000	100,000.0000	ENBRIDGE INC	101.135000	101,135.00	110.33900	110,339.00	1,706.11	3,700.00
369550BL1	100,000,000	100,000.0000	GENERAL DYNAMICS CORP	106.120000	106,120.00	114.33300	114,333.00	933.33	3,500.00
38141GRD8	100,000,000	100,000.0000	GOLDMAN SACHS GROUP INC	101.985000	101,985.00	107.17500	107,175.00	1,601.04	3,625.00
437076BD3	100,000,000	100,000.0000	HOME DEPOT INC	115.627000	115,627.00	136.12200	136,122.00	1,841.67	4,875.00
458140BH2	100,000,000	100,000.0000	INTEL CORP	105.622000	105,622.00	108.09500	108,095.00	313.06	2,450.00
46625HTT8	200,000,000	200,000.0000	JPMORGAN CHASE & CO	105.181000	210,362.00	110.87200	221,744.00	3,229.17	7,750.00
49446RAU3	150,000,000	150,000.0000	KIMCO REALTY CORP	94.918000	142,377.00	104.94400	157,416.00	2,062.50	4,950.00
501044DE8	100,000,000	100,000.0000	KROGER CO	99.820000	99,820.00	108.68200	108,682.00	559.44	2,650.00
61746BDQ6	100,000,000	100,000.0000	MORGAN STANLEY IND FINANCIAL	103.711000	103,711.00	110.57800	110,578.00	667.36	3,875.00
67077MAX6	75,000,000	75,000.0000	NUTRIEN LTD	99.738000	74,803.50	110.37700	82,782.75	395.00	2,962.00



Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL sort by CUSIP**  
**CITY OF KENAI PERMANENT FUNDS**

June 30, 2020

Cusip9	Original Face	Quantity	Security	Unit Cost	Total Cost	Price	Market Value	Accrued Interest	Annual Income
761713BG0	150,000.0000	150,000.0000	REYNOLDS AMERICAN INC	108.467000	162,700.50	112.67400	169,011.00	352.29	6,675.00
855244AN9	75,000.0000	75,000.0000	STARBUCKS CORP	98.536000	73,902.00	106.42800	79,821.00	775.00	2,325.00
871829BH9	100,000.0000	100,000.0000	Sysco Corporation	120.536000	120,536.00	111.33500	111,335.00	1,310.28	4,450.00
94974BGA2	100,000.0000	100,000.0000	WELLS FARGO & COMPANY	99.882000	99,882.00	109.55500	109,555.00	1,026.67	3,300.00
Accrued I					2,725,224.50		2,952,692.37	28,893.12	96,130.50
<b>DOMESTIC LARGE CAP EQUITY FUNDS/ETF</b>									
33939L860	3,435.0000	3,435.0000	FLEXSHARES QUAL DIV ETF	40.528831	139,216.54	42.25000	145,128.75		0.00
46432F339	1,530.0000	1,530.0000	ISHARES EDGE MSCI USA QUALITY	95.92000	153,904.24	95.92000	146,757.60		0.00
78462F103	19,130.0000	19,130.0000	SPDR S&P 500 ETF	191.476919	3,662,953.46	308.36000	5,898,926.80		0.00
					3,956,074.23		6,190,813.15		0.00
<b>DOMESTIC MID CAP EQUITY FUNDS/ETF</b>									
464287507	16,520.0000	16,520.0000	ISHARES CORE S&P MIDCAP 400	174.448721	1,560,292.88	177.82000	2,937,586.40		0.00
<b>DOMESTIC SMALL CAP EQUITY FUNDS/ETF</b>									
464287804	20,915.0000	20,915.0000	ISHARES S&P SMALLCAP 600	106.764930	852,598.52	68.29000	1,428,285.35		0.00
<b>INTERNATIONAL EQUITY FUNDS/ETF</b>									
464287465	27,805.0000	27,805.0000	ISHARES MSCI EAFE INDEX FUND	63.362347	1,761,790.06	60.87000	1,692,490.35		0.00
46432F842	19,740.0000	19,740.0000	ISHARES ETF CORE MSCI EAFE	55.576938	1,097,088.75	57.16000	1,128,338.40		0.00
					2,858,878.81		2,820,828.75		0.00
<b>EMERGING MARKET FUNDS/ETF</b>									
46434G103	29,115.0000	29,115.0000	ISHARES ETF CORE MSCI EMERGING	106.396161	1,234,364.22	47.60000	1,385,874.00		0.00
<b>REAL ESTATE &amp; INFRASTRUCTURE</b>									
33939L795	18,130.0000	18,130.0000	FLEXSHAR STX GLOBAL BROAD	109.274786	893,351.87	47.80000	866,614.00		0.00
46641Q738	5,225.0000	5,225.0000	JPMORGAN BETABUILDERS MSCI	108.470004	404,780.77	71.33000	372,699.25		0.00
					1,298,132.64		1,239,313.25		0.00
<b>U.S. TREASURY</b>									
912810QK7	325,000.0000	325,000.0000	US TREASURY NOTES	127.111805	413,113.37	149.02300	484,324.75	4,739.96	12,593.75
912810QZ4	55,000.0000	55,000.0000	US TREASURY NOTES	117.355473	64,545.51	135.58600	74,572.30	646.89	1,718.75
912810SH2	500,000.0000	500,000.0000	US TREASURY NOTES	102.981445	514,907.22	135.28900	676,445.00	1,835.94	14,375.00
912828A45	280,000.0000	280,000.0000	US TREASURY NOTES	99.718751	279,212.50	106.51200	298,233.60	2,456.66	7,350.00
912828M8	300,000.0000	300,000.0000	US TREASURY NOTES	102.380210	307,140.63	120.90200	362,706.00	1,197.35	9,375.00
9128286B1	240,000.0000	240,000.0000	US TREASURY NOTES	101.741271	244,179.05	117.18000	281,232.00	2,371.15	6,300.00
9128286F2	210,000.0000	210,000.0000	US TREASURY NOTES	99.753551	209,482.46	111.95700	235,109.70	1,754.76	5,250.00
912828D56	425,000.0000	425,000.0000	US TREASURY NOTES	101.531020	431,506.83	108.79700	462,387.25	3,799.02	10,093.75
912828D72	10,000.0000	10,000.0000	US TREASURY NOTES	100.656250	10,065.62	102.12100	10,212.10	66.85	200.00
912828R36	75,000.0000	75,000.0000	US TREASURY NOTES	95.634709	71,736.03	107.16800	80,376.00	155.66	1,218.75
912828S76	240,000.0000	240,000.0000	US TREASURY NOTES	99.175343	238,020.82	101.03100	242,474.40	1,127.47	2,700.00
912828T91	150,000.0000	150,000.0000	US TREASURY NOTES	99.406253	149,109.38	104.77000	157,155.00	410.67	2,437.50
912828U24	250,000.0000	250,000.0000	US TREASURY NOTES	95.257812	238,144.53	109.80500	274,512.50	638.59	5,000.00

Alaska Permanent Capital Management Co.  
**PORTFOLIO APPRAISAL sort by CUSIP**  
**CITY OF KENAI PERMANENT FUNDS**  
*June 30, 2020*

Cusip9	Original Face	Quantity	Security	Unit Cost	Total Cost	Price	Market Value	Accrued Interest	Annual Income
912828U81	40,000.0000	40,000.0000	US TREASURY NOTES	101.310269	40,524.11	102.72700	41,090.80	2.17	800.00
912828V72	150,000.0000	150,000.0000	US TREASURY NOTES	100.085940	150,128.91	102.67600	154,014.00	1,174.45	2,812.50
912828WR7	235,000.0000	235,000.0000	US TREASURY NOTES	99.335939	233,439.46	101.93400	239,544.90	13.57	4,993.75
912828XG0	515,000.0000	515,000.0000	US TREASURY NOTES	99.704454	513,477.94	103.90600	535,115.90	29.74	10,943.75
912828XZ8	75,000.0000	75,000.0000	US TREASURY NOTES	99.707033	74,780.27	112.16400	84,123.00	5.60	2,062.50
912828YJ3	50,000.0000	50,000.0000	US TREASURY NOTES	99.796876	49,898.44	101.64800	50,824.00	188.52	750.00
912828Z52	205,000.0000	205,000.0000	US TREASURY NOTES	104.699220	214,633.40	105.06600	215,385.30	1,177.06	2,818.75
912828Z94	225,000.0000	225,000.0000	US TREASURY NOTES	108.507813	244,142.58	108.10200	243,229.50	1,270.26	3,375.00
Accrued I					4,692,179.07		5,228,130.34	25,062.34	107,168.75
<b>AGENCIES</b>									
3130AJ4B2	125,000.0000	125,000.0000	FHLB	104.268000	130,335.00	105.88500	132,356.25	818.14	2,031.25
Accrued I							818.14		
<b>CASH AND EQUIVALENTS</b>									
VP4560000			DIVIDEND ACCRUAL		26,136.21		26,136.21		0.00
			WF ADV GOVT MM FD-INSTL #1751		1,685,760.44		1,685,760.44		0.00
					1,711,896.65		1,711,896.65		0.00
<b>TOTAL PORTFOLIO</b>					<b>24,399,872.01</b>		<b>29,575,015.12</b>	<b>63,825.47</b>	<b>317,772.12</b>



August 2020 Newsletter

## Kenai Historical Society

P.O. Box 1348  
Kenai, Alaska 99611

### Officers:

President—June Harris  
Vice President—Virginia Walters  
Secretary—Sharon Fisher  
Treasurer—Ron Fullinck

### Board of Directors:

Jim Glendenning	Joe Harris
Henry Knackstedt	Bill Nelson
Marion Nickelson	Frosty Walters

## PRESERVING HISTORY

It happens to me from time to time as I meander through my normal daily routines, that something unexpected will come to my attention and consume time and thought that I had not been expecting to spend. As I have become increasingly interested in the history of Kenai over the last four decades, I occasionally run across a little gem of information that puts another piece of the puzzle into place. I was cruising through my facebook page the other day, and on the site “Alaska History and You” there was a post from Coleen Walker Mielke on First South Central Alaska Farmers 1898-1904. Address is:

<http://freepages.rootsweb.com/~coleen/genealogy/farming.html?fbclid=IwAR3ZuEU4tpkevuw3bzx0PrSjd-G2CgSWpsIkRUY6ElotTXOs-6j7ZHj-dKg>

I read about letters that were sent from various locations in South Central Alaska to C. C. Georgeson of Sitka, Alaska. The letters were part of an experimental farming program initiated by the U.S. Department of Agriculture, to determine (among other things) whether vegetables could be successfully grown in south central Alaska.

From 1899-1906, Georgeson, who was the agent in charge for the Alaska Agricultural Experiment Station in Sitka, sent a variety of vegetable seeds to settlements, trading posts and roadhouses around south central Alaska. He asked that the seeds be planted and a letter describing their success or failure be sent to him after the season was over.

### KENAI HISTORICAL SOCIETY NEWSLETTER

Written by Sharon Fisher

If you would like to contribute ideas and information to the newsletter, please contact me at 776-8254. I welcome and would entertain any ideas you may have for articles, and would appreciate being contacted if you see errors in the information contained in the newsletter.

### INSIDE THIS ISSUE:

- PRESERVING HISTORY
- EXPLORING THE HISTORY OF AGRICULTURE IN THE KENAI AREA IN THE LATE 1800s
- JANUARY 2020 MEETING MINUTES
- ANNOUNCEMENTS

From 1899-1906, Georgeson, who was the agent in charge for the Alaska Agricultural Experiment Station in Sitka, sent a variety of vegetable seeds to settlements, trading posts and roadhouses around south central Alaska. He asked that the seeds be planted and a letter describing their success or failure be sent to him after the season was over.

The following letters from Knik, Tyonek, Kenai and Sunrise are a rare insight to those first farming attempts.

7/22/1899 Hope City Cook Inlet, Alaska

To: C. C. Georgeson  
Alaska Agricultural Experiment Station  
Sitka, Alaska

Dear Sir:

We received and distributed the vegetable and flower seeds you sent us this spring. Some of them we retained for our own use.

In 1898, we grew the following crops:

POTATOES: planted from 5/26 to 6/1; harvested from 8/25 to 10/4. On 600 square yards, we harvested 2,326 pounds. This is at 340 bushels to the acre. They are not first quality, however, being a little watery.

CABBAGE: Early York, transplanted 5/25; good for table 8/23. The average weight of heads was about 3 pounds.

RUTA-BAGAS: Sown 5/26, they grew as well as anywhere. Pulled 10/2, best weighed 5½ pounds.

TURNIPS: Purple Top; broadcast sown 5/26, ready for table 7/27. Best weight 10/2 was 6½ pounds.

BEETS: Early Blood Turnip; sown 5/26. Average weight 10/2 was from 1/2 pound to 1 pound.

CARROTS: Danvers Orange Half Long; sown 5/26; ready for table 8/20. They were very small, only 1½" in diameter. The same applies to parsnips.

RADISHES: Can be sown from 5/10 to 8/10 and may always be depended on to yield large crop. We began to pull ours last year 6/15.

ONIONS: Were, with us, a total failure

Respectfully yours,

Roll Bros.  
per G. Roll  
Hope, Alaska

9/24/1900 Kenai, Alaska

To: C. C. Georgeson  
Alaska Agricultural Experiment Station  
Sitka, Alaska

Sir:

I will mention at the outset that we have had a very unfavorable summer. Long droughts in the spring (almost 2 months) and cold winds. All this, of course, reflected upon our planting.

In regard to the cultivation of the ground and planting of vegetables among the natives of Cook Inlet, I must say with great pleasure that a big step has been taken forward. Not more than three years back, by my parishioners, not excluding creoles, did not know how to eat lettuce, cabbage and radishes, let alone planting any. They planted only potatoes and turnips and this on a small scale. In some of the settlements, as Seldovia, English Bay and Knik, there was not a single garden. At present things are different.

Gardens have sprung up where there were none. Where they were on a small scale, as Kenai and Tyonek, they increased in dimensions.

The request for seed is great. What you have sent last spring was enough for only Kenai, Ninilchik and Knik, so I was obliged to refuse people from the other four settlements. The natives of Kenai are very fond of turnips. We really need seed by the pounds and not by the packages.

It would be positively a great kindness if the Government, once for all, would send some seed potatoes for some of our natives. They are very anxious to raise some potatoes and thereby improve their material condition, but they have no seed and no money to buy any with. In this connection the Government would render the natives here a very great service and by this, better their condition and accustom them to the cultivation of vegetables.

We hope, my dear Professor, that you will look upon our request with sympathy.

In conclusion, we earnestly ask you to accept our sincere thanks and deep gratitude for your past kindness and attention to us.

Very respectfully yours,

Rev. Ivan Bortnofsky  
Kenai, Alaska

*I would encourage you to follow up on the link I gave you on page 1, because Ms. Mielke has a wealth of historic research that might be of interest. Her focus is the Mat-Su area, but there is information on other areas as well. On the following pages I have reprinted a portion of the newsletter from February 2020 that had articles on agricultural efforts in Kenai in the late 1890s through early 1900s. I wanted to keep the information together so decided to reprint those articles.*

*Sharon Fisher, Editor*

As a result of the publication of the following article in the Peninsula Clarion by Matt Browser in the Refuge Notebook section, dated January 10, 2020, I responded by sending the author an article from the Kenai Historical Society that was published in February 2014. I posed the thought to him that as a result of that early exploration of Kenai in 1897-98, the establishment of an agricultural experiment station was perhaps implemented. The two events may not have been related, but the proximity of the dates would certainly suggest otherwise.

## Exploring agriculture of the Kenai, 1897-1898

On June 8, 1897, Dr. Walter H. Evans of the U.S. Department of Agriculture and Benton Killin, a retired lawyer and regent of the Oregon State Agricultural College, set out from Tacoma, Washington, on a steamer bound for Alaska.

Over the next three months they would explore the southern coast of Alaska under orders from U.S. Secretary of Agriculture James Wilson to assess the prospects for agriculture in the territory.

They were to answer 20 questions, beginning with, "What are the most characteristic plants? What edible fruits and roots abound, and how are they utilized? What grasses and forage plants are found in any abundance?"

Evans and Killin steamed along southeast and southern Alaska, stopping at communities along the way. After Prince William Sound they visited Kodiak and Cook Inlet, touching shore on the Kenai Peninsula at Homer, Anchor Point and the mining community of Sunrise City.

In the Cook Inlet region they found only small gardens and livestock endeavors. These were cultivated mainly to provide fresh vegetables and farm products to local villages and mining camps.

At Sunrise City the two parted ways, Killin taking

### MATT BOWSER Refuge Notebook

the Portage to Prince William Sound while Evans steamed on as far as Unalaska before returning to the Lower 48.

In the summer of 1898, in the middle of the Spanish-American War, Evans again traveled to Alaska. This time he focused on the native plants.

He spent weeks in the vicinity of the cannery on the north shore of the Kaslof River in July and August, where he collected many plant specimens. Evans described the topography and plant communities of the dunes, bluffs and lowlands around Kaslof.

Of all the plants that Walter Evans collected while in Alaska, he took a special interest in a birch that was "very common" around

#### Cook Inlet.

"This birch has apparently not been reported before," he wrote. "Whether it proves an undescribed species or an Asiatic form remains to be determined."

To this day, the origin and identity of the birch that Evans later described as the Kenai birch, *Betula kenaica*, remains enigmatic.

In their 1898 and 1899 reports to Congress, Evans,

Killin and others remarked that many vegetables, including peas, beans, cabbage, carrots, turnips, rutabagas, radishes, lettuce, celery, beets and potatoes, grew well in the Cook Inlet region.

They also reported that many wild berries could be harvested and even cultivated. Other than berries and potherbs, they found the only native plants harvested for human consumption were chocolate lilies and beach peas.

At that time haymaking was already taking place annually in Cook Inlet. Canada bluejoint grass was found to be abundant at Homer and Sunrise City, where it was apparently used as hay.

Timothy, alfalfa and oats were grown in Kenai. White clover, red clover and alfalfa had been established as livestock forage in Kaslof.

We tend to think of weeds as having been introduced recently, but Evans noted that non-native plants were already spreading from settlements in Alaska as early as 1897.

Killins wrote, "White clover and Kentucky blue grass do well all over the region visited and have become thoroughly established. Whenever the native growths are killed out, these come in."



Haymaking in Kenai, 1901.

Chickweeds, sheep's sorrel, pineapple weed and corn spurry were listed as problems in gardens. Non-native dandelions and annual bluegrass were also documented.

The key finding of these agricultural investigations was that southern Alaska did have potential for food production from both wild plants and agriculture. The authors of the 1898 and 1899 reports reiterated a desire to establish agricultural experiment stations in Alaska, leading to the construction of a research dairy farm in Kenai in the following years.

The Kenai Peninsula has changed much since the 1890s, becoming far, far less of a wild frontier. This is why I find it fascinating that some of the same concerns addressed by Evans and Killin in the late 1800s remain relevant.

They discussed what today

we would call food security, sustainability, locally grown food, non-native plants and conservation of game animals. Even down to the types of vegetables grown and problems with hay storage, I am amazed at the similarities between farming in 1897 and my own family's experiences with gardening and haymaking in Kaslof.

Looking back over 100 years into the landscape and communities of the Kenai Peninsula in 1897-1898 makes me wonder how much will remain the same and what may change in the future.

What will be harvested from the wild and what will be grown here? What will be the ramifications of actions that we take now? How much of the Kenai Peninsula and Kenai National Wildlife Refuge that are wild now will become less so?

*Matt Bowser serves as Entomologist at Kenai National Wildlife Refuge. Find more Refuge Notebook articles (1999-present) at [https://www.fws.gov/refuge/Kenai/community/refuge\\_notebook.html](https://www.fws.gov/refuge/Kenai/community/refuge_notebook.html).*

***The following is a reprint of an article in the Kenai Historical Society Newsletter for February 2014 that discusses an Agricultural Station that existed in Kenai at the turn of the century beginning in 1899. The article begins by talking about how the Society had been unpacking items stored for a number of years, and coming across the Alaska (in Kenai) Agricultural Experiment Station.***

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The following information comes from a “treasure” I unearthed from one of the boxes, plus a little additional research I did via computer. I was unaware that Kenai was home to an Alaska Agricultural Experiment Station from 1899 to 1908 until I came across a binder that was put together about 35 years ago by a former Kenai Historical member named Frost Jones. I was aware of Frost as a painter, but apparently she was involved in the Kenai Historical Society and had somehow learned of the existence of this station. She wanted to obtain a copy of a 1902 government bulletin that she had seen years ago, but no longer had access to. She wrote to the Cooperative Extension Service and they forwarded her letter to the University, and eventually she obtained a Xerox copy of part of a U.S. Department of Agriculture Annual Report of the Office of Experiment Station.

From some internet research I did, I learned that in 1897 Congress instructed the Department of Agriculture to investigate the agricultural potential of Alaska. It was decided to establish an agricultural experiment station in Alaska and a Dr. Georgeson headed the effort by opening a station in Sitka in 1898, with a 2<sup>nd</sup> station established in Kodiak. By 1899 a 3<sup>rd</sup> station was established in Kenai. Additional stations were later added in Rampart and Copper Center in Alaska’s interior.

The Kenai station was under the direction of a Mr. H.P. Nielsen. In October of 1902, he submitted the following report for the work accomplished during the year:

**CLEARING**

***In addition to work with the experimental crops on the 7 acres previously broken, 8 acres have been cleared of trees, stumps, and brush, broken, and put in condition for seeding next spring, and the whole clearing has been fenced.***

**GENERAL IMPROVEMENTS**

***Several improvements have been made, mostly in the line of additions to equipment. A 20-shoe press drill was added last spring, and used in seeding all the field grains. Drilling is a great improvement over broadcasting, owing to the loose character of the soil. A seed cleaner has been added this fall, and will be used in cleaning this season’s crops. The log house on the station has been completed and is now quite comfortable. A milch cow and a calf were added to the station herd in July. The cattle now belonging to the station consist of 2 work oxen, 1 yearling steer, 1 cow, and one 4 1/2 – months old heifer calf. The stable has been rebuilt to accommodate all of the stock. A corral has been built adjoining the stable.***

***About 5 tons of native grass was cut and cured and stacked in July about half of it has been brought home.***



***A small orchard was set out last spring, consisting of several varieties of apple, cherry, and plum trees, raspberry, blackberry, gooseberry, and currant bushes, and 100 strawberry plants. (Mr. Nielsen goes on to relay the results of the orchard plantings, noting:) That so many of the trees planted failed to grow I think was due to the length of their transportation, many of them being quite dry when they arrived***

### NOTES ON VEGETABLES

***A cold frame was prepared and seeded April 26 to the following vegetables, viz, cabbage, cauliflower, Brussesls sprouts, celery, lettuce, parsley, onions, and radishes. (Mr. Nielson follows with each variety of each vegetable, how it was planted, and the results that were achieved.)***

Next, he did the same descriptions of the field crops that were planted and the results. Winter grains and forage plants included rye, wheat, clover, and flat pea, many of which winterkilled. Spring crops included varieties of wheat, barley, oats, buckwheat, and flax. Additionally there were numerous varieties of grasses, rape, and hemp.

Finally, he detailed the milk record of the cow named "Bourka" for June, July, and August, 1902 which was fed in a native pasture:

***Dropped heifer calf June 2; calf suckled until evening of June 5, from which date the milk was weighed. There was a table of the amount of milk (in pounds) that was obtained, and then the following summary:***

***Total yield for eighty-seven days was 2,530 pounds, or something over 29 pounds a day, on native grass only. Many a dairy cow in the States fed on clover and grain does not do better than this. This would indicate that successful dairying can be practiced on Kenai Peninsula.***

H. P. Nielsen,  
Superintendent, Kenai Experiment Station.

Mr. Nielsen was subsequently replaced by Mr. P. H. Ross, and the station operated until 1908. Additional cows were brought in, as well as several oxen, used to plow the ground. The animals ranged loose during the summer and were fed with dried grains and grasses during the winter. Eventually the station obtained equipment to make butter and cheese. This binder contains pages that extensively detail the equipment and processes used to make the butter and cheese.

Ultimately, in May of 1908, the station was closed and the equipment and animals were transferred to the station in Kodiak. The following sums up the reason for the closure:

***The station was located at Kenai, on the Kenai Peninsula, Cook Inlet, for the reason that it appeared to be a promising location for successful agricultural development, and at that time there was a prospect that this region would be rapidly settled. However, this early promise was not fulfilled. The coal beds at Homer were not developed and the projected plan for establishing a colony of Finns in that region was abandoned after the death of the leading promoter.***



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MINUTES \*\*\* February 9, 2020

On Sunday, February 9, 2020, the Kenai Historical Society met at the Kenai Visitor and Cultural Center in Kenai. President June Harris opened the meeting at 1:35 p.m.

The minutes of the January 2020 meeting were reviewed by the membership and were approved as written.

The treasure report shows the Alaska USA checking balance stands at \$16,980.50 and our Credit Union Money Market account balance is \$10,339.83. The Edward Jones Account is \$29,235.91, as of January 31, 2019. Kenai Community Foundation (investment of \$50,000 deposit on 2/18/2016) is \$65,150.63 as of 1/31/2019. Motion and 2<sup>nd</sup> by Joe Harris and Paula Bute and unanimous vote approved the report.

The Cabin Fund as of 1/31/20 is \$12,193.17, with \$4,677.00 set aside for the docent position for 2020.

Old Business:

The City of Kenai is holding \$17,800 in funds received from the grant by Rasmussen Foundation for the security system for the cabins. The security cameras have been approved for purchase by the city.

The City of Kenai has drafted a Special Use Permit that shows city ownership the cabins park for the Kenai Historic Cabins Park to manage; this permit is “on hold” and the Cabins Managers have been referred to a broker on the subject of “Liability of Visitors”.

The Scholarship applications have been revised slightly and are being sent to the schools.

New Business:

Membership dues have been paid by 17 members; President Harris reminded members to pay the \$10 dues in order to renew their membership.

Howard Hill discussed a project idea to list all the stores and businesses currently operating in the Kenai area in order to preserve the information for the future. He and Paula Bute voted to form a committee for the collection of the information.

The meeting adjourned so that we could enjoy a talk by Pastor Benjamin Phelps on putting together organizational histories.

Respectfully submitted by Sharon Fisher, Secretary.

KENAI HISTORIC SOCIETY

Our Organization

There has been a Historic Society since the days before Kenai becoming a city. The Society was formed a few years before Statehood in 1959, and then went inactive in the early 60's. It restarted in the latter part of the 60's and has met regularly since. The Society had a museum in Fort Kenay for some years, and then continued to meet after that closed. The non-profit Society implemented and operates the Kenai Historic Cabins Park, open for tours in the summer months. We have office space at the Moosemeat John cabin, but are not open to the public in that building. Our member meetings are Sept., Nov., Dec., Jan., Feb., Mar., and April at the Kenai Visitor Center. For Oct. and May, we meet with the Kenai Peninsula Historical Association. Please check the Meetings and Announcements section on this page for date information.

MEETINGS AND ANNOUNCEMENTS

**Kenai Historical Society Monthly Meeting \***

**Desserts Potluck**

**September 13 , 2020 —1:30 p.m.**

**Kenai Visitor Center**

**Speaker—Michael Skinner**

**Speaking on the topic of:**

**Kenai Historic Cabins Park**

**Summer of 2020**

**Board Meeting will follow the regular meeting**

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